

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING
NOVEMBER 15, 2004

INGRAM OFFICE BUILDING
7900 HICKMAN ROAD
URBANDALE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at 10:20 a.m. on Monday, November 15, 2004 in the State Historical Building, Des Moines, Iowa.

MEMBERS PRESENT

Kathryn Murphy – arrived at approximately 10:35
Darrell Hanson, Chair
Terrance Townsend – arrived at approximately 10:25
Jerry Peckumn, Vice Chair
Heidi Vittetoe, Secretary – arrived at approximately 10:20
Donna Buell
Lisa Davis Cook – arrived at approximately 11:45
Francis Thicke

MEMBERS ABSENT

Lori Glanzman

DIRECTOR'S REPORT

Jeff Vonk said that he met with Susan Heathcote and Rich Leopold of the Iowa Environmental Council and agreed to change the DNR mercury advisory level. We are advising that pregnant women, nursing women, women who want to be pregnant and young children under the age of 12, should probably consume no more than one meal of predator fish a week. Predator fish being bass, walleye, northern pike, and muskies. This brings us more in line with the federal guidance that the EPA and FDA provided of advising folks. This change will appear on our website and fisheries bulletin.

The Commission annually approves the water quality monitoring program done by the hygienic lab. As part of the work done, we analyze fish with mercury but we have not always done follow up testing. We are going to go back and do follow up testing in the waters where we have high level test results.

INFORMATIONAL ONLY

ADOPTION OF AGENDA

<i>Motion was made by Jerry Peckumn to approve the agenda as presented. Seconded by Francis Thicke. Motion carried unanimously.</i>

APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Jerry Peckumn to approve the minutes from the October 18th EPC meeting as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – AMENDMENTS TO CHAPTER 65 – OPEN FEEDLOT REGULATIONS

Gene Tinker, Animal Feeding Operations Coordinator of the Environmental Services Division presented the following item.

The proposed rules will amend 567 Iowa Administrative Code Chapter 65. Also, Iowa Code 2003: Section 459.309 directs the department to develop rules establishing design standards for open feedlot basins. The proposed rules establish minimum design standards for manure and effluent control structures for open feedlots.

Pursuant to the authority of Iowa Code section 459.103, the Environmental Protection Commission proposes to amend Chapter 65, “Animal Feeding Operations,” Iowa Administrative Code.

The proposed amendments separate Chapter 65 into two divisions, one for confinement operations and one for open feedlots. In addition to creating a separate division for open feedlot regulations, minimum design standards for open feedlot manure and effluent control systems are specified.

To summarize, item 1 creates a separate division and title for confinement feeding operations. Item 2 provides a introductory paragraph to the confinement feeding division of the chapter. Items 3 and 4 delete definitions and subrules specific to open feedlot operations from the confinement operations division. Division II, Open Feedlots and associated definitions and rules is created in Item 5. Item 6 amends land application of settled open feedlot effluent timing associated with manure control alternatives for open feedlots in Appendix A. Appendix E adds siting criteria for alternative technology as item 7.

Any interested person may make written suggestions or comments on the proposed amendments on or before December 30, 2004. Written comments should be directed to Gene Tinker, Iowa Department of Natural Resources, Wallace State Office Building, 502 E. 9th St., Des Moines, Iowa 50319-0034; fax (515)281-8895; email gene.tinker@dnr.state.ia.us.

There will be public hearings on:

Tuesday, January 4, 2005

Red Oak, 8:30 AM

Red Oak Fire Station
1904 N Broadway St
Red Oak, IA 51566
712-623-6504

Carroll, 6:30 PM

DMACC - Carroll Campus
906 N. Grant Rd
Carroll, IA
Room 142-146 in the main building
712-792-1755
<http://www.dmaccc.edu/carroll/>
Seats 60

Wednesday, January 5, 2005

Spencer, 8:30 AM

Spencer Events Center
800 West 18th Street
Spencer, IA 51301
712/580-3000 - Seats 60-80

Mason City, 6:30 PM

Lime Creek Nature Center
3501 Lime Creek Road
Mason City, IA 50401
Phone: 641-423-5309
www.limecreeknature.org
Seats 125

Friday, January 7, 2005

Cedar Rapids, 8:30 AM

Kirkwood Community College
Rooms: Iowa A/B on the 3rd floor of the Iowa Hall
6301 Kirkwood Boulevard SW
Cedar Rapids, IA
Visit Website: www.kirkwood.cc.ia.us
Phone: 319-398-5411

At this time persons may present their views either orally or in writing. At the hearing people will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rule.

Any persons who intend to attend the public hearing and have special requirements such as hearing or mobility impairments should contact the Department of Natural Resources and advise of specific needs.

These amendments were also Adopted and Filed Emergency and is published herein as **ARC _____**. The content of that submission is incorporated by reference. These amendments are intended to implement Iowa Code sections 459.103 and 459.309.

Gene Tinker said that one of the main programs that we are working on in animal feeding operations is the Iowa Plan. It is a negotiated agreement between the Iowa Cattlemen's Association and the Department with over view of EPA. This is a five year plan, five year term in which all CAFO sized feedlots in the state would meet environmental compliance. (including obtaining appropriate permits, and appropriate structures in place that will manage and control feedlot run-off) The sign-up period was in 2001, so in 2006 all CAFO sized feedlots would be expected to meet the requirements. As part of the sign-up, individual feedlot lots would have amenity from visits with EPA. EPA would not stop in to make visits and then be fined with failure to comply with federal regulations. Based upon the sign-up list, we conducted a in-house assessment where feedlots were ranked high, medium and low for environmental risk. This ranking is used in order to visit the high risk feedlots early. NRCS has also used this form of assessment. We have also conducted on-site assistance. All registered CAFOs have to have their on-sites conducted. We have received a lot of interest in alternatives for non-basin technologies. This is something that was made available in EPAs AFO/CAFO rules. Previously this is not made available to CAFO sized feedlots, it now is capable. The DNR has determined to assist producers in this. The DNR has provided money to Iowa State University to develop a model. Part of what AFO/CAFO says is that you must first model the site based upon 25 years of rainfall data to prove that equivalent performance to a conventional system can be met. You must also monitor that site to indicate that there is equivalent performance being met.

Along with NRCS, there is EQUIP money available (50% cost share) to producers for assistance in coming into compliance. The last sign-up for producers to meet the 2006 deadline is this December.

Due to the location of many feedlots, we do need to take very careful consideration of the controls that are put into place in how they are managed.

Darrell Hanson asked about clarification on moving forward as an emergency rule.

Gene Tinker said that the Department received comment from the Iowa Cattlemen's Association that they will not support emergency rule.

Jeff Vonk said that part of the thought process behind double-barreling the rule as emergency, was to have definitive rules established so that as the seven or eight million dollars that has been made available to the cattlemen through the EQUIP program could be obligated. Cattlemen will have to go through a process to sign up for the cost share money. If you have definitive rules then it's much easier for producers to go in and work with their engineers to design these

systems. We are not tied to this. If we do not have the emergency process in place, those rules will not be finalized until sometime in the Spring, which is too late to sign up for cost share money from EQUIP.

PUBLIC PARTICIPATION

CHARLIE VANMETER, from Guthrie Center and involved with the Iowa Cattlemen's Association said that he is against the emergency rule. There are many differences between the open feedlot and confinements. Some differences include:

- Effluent from open feedlots has 15 times less nitrogen and 44 times less phosphorus.
- The settling basins - we settle everything out and haul the solids away. The effluent goes into a basin. My basin holds 40 million gallons and drains 80 acres, which is mainly water. This would be a huge expense. For my case it would cost me \$400,000.
- Permeability – it looks to me that what is proposed is just for confinements. There should be separate rules for confinements and open feed lots.
- Cost factor – Almost every county has a limit on what you can accept. It's \$50,000 per person.

My specific recommendations would be:

- Collective ponds – Confinement lagoons are kept full and our open feed yards have to drain down into a hole. So any basin liners are probably not going to hold, since they will fill up with spring snow melt.
- Compaction should be different. Since they are so big, the rip-rap on the corner and sides are very costly and does not serve a purpose.
- The 50% match from EQUIP money is not very practical or reliable.

Wayne Gieselmann said that we have had a lot of larger basins in Iowa, where we have discovered overtime that we needed rip-rap. We have had instances where the wave action on these larger basins with no rip-rap have failed because the liners have washed away. Rip-rap is not a requirement of NRCS, the department added this in the rules after the engineering committee meetings discussed this issue.

CAROL BALVANZ, Public Policy Coordinator for the Iowa Cattlemen's Association said that she has served on the committee for the Iowa Plan for Open feedlots. One of the main reasons this plan was developed was that the technology that was put in place to make open feedlots come into compliance be open basin was designed for the air climates of the southwest. Iowa has lived for the last thirty years not being able to afford the technology that EPA has deemed to be acceptable for them. One of the goals of the Iowa Plan was to develop an alternative performance standard which could be the alternative technologies, but the second goal was to develop a set of standards for open basins that would not put feedlot industry at such a tremendous disadvantage that it would have to leave. The issue before us is: that we, as open feedlots are essentially being asked to build according to the confinement standards for holding liquid manure. Feedlot effluent, with solids settled out is a much different product than liquid manure. Yet, these standards include strict tile investigations, lowering of groundwater, liners that will freeze and thaw, those types of cost factors are putting basins in the range of \$60-\$100

per head for a feedlot operator to build. We contend that these types of basins could be built without having the strict requirements as if they were holding liquid manure and yet, built to be environmentally safe and well operated. We have 58 feed lots that have agreed to drop below 1,000 head, because then the basin would not be required. It's losing 50,000 head of cattle marketed annually in this state and that equates to over \$117 million dollars of economic impact. Our industry does not have a choice, we can not afford to build concrete basins yet alone this type of basin. However, we have to have some type of construction standard that can make sense. Our feedlots are family owned businesses as are many of the hog industries.

We ask that you do not consider these rules emergency. The rules are very controversial and they mean a lot to producers. We would like the opportunity to attend the public hearings and make comments.

Secondly, we ask that you take a look at the very strict standards that were based on confinement needs to hold liquid manure, look at the liner specifications and permeability standards.

We would recommend the mechanical lowering of the groundwater table.

-----End of public participation-----

Gene Tinker said that we do allow mechanical lowering of the groundwater in some situations.

(This was forwarded unto Commissioners after the meeting for clarification comments made during public participation.) Following is a summary of the committee recommendations and how those are addressed in the draft rules:

Committee Recommendations 1-5 apply to all operations:

1. **Use of new technology** – committee recommended DNR allow use of new technologies, draft rules allow use of AT systems – *65.101(4) & Appendix E* (siting criteria document); one area where rules & committee recommendations differ is that committee report suggests allowing producers up to 5 years to prove AT systems work, DNR is working on a 2 year time frame
2. **Divide rules in 2 sections** – committee suggested rules be rewritten into separate open lot and confinement sections, rules do so
3. **Economic impacts** – committee suggested rules be written to take into account economic considerations, not sure how that is reflected in rules
4. **Marketing of rules to producer groups & consulting engineers** – committee recommended marketing should be responsibility of producer groups and CEC, recommendation is outside the scope of the rule

5. **Training of producers, general public, & engineers** – committee recommended ISU Extension should have primary responsibility for training producers & public & CEC should be responsible for training engineers, recommendation is outside scope of rules

Committee Recommendations 6-13 apply to permit sized operations, committee recommended they apply to all operations, but at minimum they be applied to existing and expanding operations

6. **Mechanical lowering of groundwater table** – committee recommended lowering of water table be allowed, with gravity flow preferred, but mechanical should be allowed on case-by-case basis, all systems should have a valve to allow drainage system to be closed

Rules 65.110(3)c & 65.110(3)d allow water table to be lowered up to 6 feet for all operations (existing, expanding, or new) if gravity flow outlet is provided, but limit use of mechanical lowering to only existing operations (based on geographic area at time of registration under Iowa Plan for Open Feedlots); Rule 65.110(3)f requires valve to allow closure of system

7. **Soil cores** - Committee recommended minimum of 3 soil cores be required, to depth of 10 feet below bottom of proposed structure, with holes located near corners & one located a deepest point of structure, need for additional borings should be determined by engineer with DNR concurrence (through submittal of conceptual design)

Rule 65.110(2)a requires minimum of 3 corings for basins of up to 2 acres size, one additional coring for each 2 additional acres surface area; corings must be located to be representative of conditions to reflect conditions within basin area, including at corners & deepest point of basin; corings must be to minimum of 10 feet below bottom of structure, except that one boring must be to depth of 25 feet or to bedrock if located in Karst topography or potential Karst terrain

8. **Determination of seasonal high water table** - Committee recommended allowing seasonal high water table to be determined in field based on soil type & soil properties, recommended when this is done requirement for measuring water level in monitoring well after 7 days be eliminated

Rule 65.110(3)a requires water table be determined by considering soil characteristics, water level data, & other pertinent information; Rule 65.110(2)b allows soil coring holes to be used to determine current water levels by completing them as monitoring wells and measuring water levels in them 7 days after completion; Rule 65.110(2)d requires report on soil & hydrogeologic conditions of site including discussion of effects of soil & groundwater elevation & direction of flow on construction & operation of system

Note: Current rule wording is confusing, in that hydrogeologic report & determination of seasonal high water table requirements seem to require water level information, but rule wording doesn't clearly say whether current water table levels must be determined – needs additional work

9. **Clay liners** – Committee recommended clay liners be allowed, liner thickness should be greater of one foot or thickness required to meet permeability requirements, lab permeability test should be used to determine liner thickness

Rule 65.110(8) establishes liner requirements; allows use of on-site materials if suitable to meet percolation requirements when compacted; establishes a minimum liner thickness of 12 inches, except that when on-site materials are unsuitable, site must be overexcavated to 24 inch depth and 24-inch thick liner must be established

10. **Permeability testing** – Committee recommended either post construction permeability testing or field testing to document liner construction meets specified soil moisture and Proctor density requirements be allowed; committee discussed whether 1/16 inch permeability requirement was too restrictive for open lot basins but did not call for a change in requirement

Rule 65.110(7) requires that results of a testing program to determine adequacy of constructed seal be submitted to DNR prior to operation start-up, Rule 65.110(7)a requires percolation testing be conducted on unformed structures

Note: I thought we were going to allow field testing to determine if specified soil moisture and Proctor density requirements had been met, in lieu of percolation testing, if so, some additional rule changes are needed.

Committee recommendations 11-13 apply to permit sized feedlots which are existing or expanding at the original feedlot location:

11. **Feedlots with drainage in two different watersheds/drainage** areas – committee recommended if small feedlot area drains to different drainage area, consideration should be given to either giving conditional exemption from treatment requirements for that area or establishing treatment requirements for that area based on size, capacity, & environmental risk of that lot area

Rules do not allow different treatment requirements to be established for small areas of permit sized feedlots, although feedlots could be allowed to use an AT system for those lot areas; allowing a lesser level of treatment for these areas would be inconsistent with requirements of EPA's CAFO regulations, which require control to 25-year, 24-hour level for feedlots required to obtain NPDES permits

12. **Lowering of water table** – committee recommended that where it is not possible to maintain 2 feet clearance between seasonal high water table and bottom of storage facility, DNR should allow structure bottom to be built maximum of 4 feet below seasonal high water table and groundwater table to be lowered by perimeter drains constructed 2 feet below elevation of structure bottom; perimeter drain should be equipped with valve to stop flow if required and be constructed to allow monitoring

Rules 65.110(3)c & 65.110(3)d allow water table to be lowered up to 6 feet for all operations (existing, expanding, or new) if gravity flow outlet is provided, but limit use of mechanical lowering to only existing operations (based on geographic area at time of registration under Iowa Plan for Open Feedlots); Rule 65.110(3)f requires valve to allow closure of system; Rule 65.110(1)b requires perimeter tile to be constructed to allow monitoring

13. **Perimeter drains** – committee recommended perimeter drains should be minimum of 25 feet from liquid surface in storage facility, be minimum of 2 feet below floor of storage facility, and be encompassed in granular chimney type drain which extends vertically up to at least elevation of maximum expected water table

Rule 65.110(3)f requires perimeter drains be constructed to maintain minimum 50 feet horizontal separation distance between drains and impounded runoff and that drains be placed in vertical trench and encased in granular materials extending upward to level of groundwater table; Rule 65.110(3)d requires perimeter drains to be constructed minimum of 2 feet below elevation of floor of storage structure

The committee's report also included some discussion of issues which the committee discussed but which did not necessarily result in specific recommendations related to engineering standards. These issues are listed in items 14-19 of the committee's report (copy attached).

It is important to note that the engineering standards committee did not address all of the issues that need to be considered in development of DNR rules for open feedlots. For example, issues the committee did not consider include: removal of existing drain tile from the site of a storage structure, erosion control in critical areas of a storage structure, construction in karst topography or floodplains, or construction certification. Because the committee did not address these issues, no comparison between the DNR rules and the committee recommendations on these issues can be provided.

Deb Frundle, from the Iowa Geological Survey explained the run-off of solids and basin liners. We do address the liner requirements for settling basins. The run-off control basins is where you have a liner. We talked about having liners for both the settling and run-off control basins due to the fact of the high nutrient contents. We have not come to a final conclusion dealing with the issue of freezing, thawing, expansion of clay due to weather changes but we are open to all comments addressing this concern.

NOTICE OF INTENDED ACTION – AMENDMENTS TO CHAPTER 65 – OPEN FEEDLOT REGULATIONS ---- CONTINUED

Wayne Gieselman said that we have been working the rules for a couple of years in order for them to be ready for public comment. Some of the differences between what the NRCS recommended and what the Department has put in the rules, deal with state law. State law requires a separation distance between the bottom of an earthen basin and the groundwater table

below that. We are willing to work with the idea of mechanically lowering the groundwater. We have seen problems with pump failure, which ends up in a manure spill.

The reason for emergency status on this rule so that producers will know how to design the systems and have time to apply for financial assistance.

Kathryn Murphy said that she has received a good amount of public feedput stating that they are not against moving forward but they are against moving forward without public comment.

Motion was made by Donna Buell to approve the NOIA – Amendments to Chapter 65 to go out for public comment. Seconded by Jerry Peckumn. Motion carried unanimously.

APPROVED AS PRESENTED

ADOPTED AND FILED EMERGENCY – AMENDMENTS TO CHAPTER 65 – OPEN FEEDLOT REGULATIONS.

Gene Tinker, Animal Feeding Operations Coordinator of the Environmental Services Division presented the following item.

The proposed rules will amend 567 Iowa Administrative Code Chapter 65. The purpose of the amendments is to create a separate division within Chapter 65 for regulations pertaining specifically to open feedlots. Also, Iowa Code 2003: Section 459.309 directs the department to develop rules establishing design standards for open feedlot basins. The proposed rules establish minimum design standards for manure and effluent control structures for open feedlots.

These proposed amendments separate Chapter 65 into two divisions, one for confinement operations and one for open feedlots. In addition to creating a separate division for open feedlot regulations, minimum design standards for open feedlot manure and effluent control systems are specified.

To summarize, item 1 creates a separate division and title for confinement feeding operations. Item 2 provides a introductory paragraph to the confinement feeding division of the chapter. Items 3 and 4 delete definitions and subrules specific to open feedlot operations from the confinement operations division. Division II, Open Feedlots and associated definitions and rules is created in Item 5. Item 6 amends land application of settled open feedlot effluent timing associated with manure control alternatives for open feedlots in Appendix A. Appendix E adds siting criteria for alternative technology as item 7.

Pursuant to Iowa Code section 17A.4(2), the Commission finds that notice and public participation are impracticable.

The Commission also finds, pursuant to Iowa Code section 17A.5(2)“b”(2), that the normal effective date of these amendments should be waived and these amendments should be effective

upon filing with the Administrative Rules Coordinator, as they confer a benefit on a segment of the public.

These amendments are also published herein under Notice of Intended Action as ARC _____ to allow public comment.

These amendments are intended to implement Iowa Code sections 459.103 and 459.309. These amendments became effective November 17, 2004.

NO ACTION TAKEN

FINAL RULE - CHAPTER 60 - SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE, CHAPTER 62 - EFFLUENT AND PRETREATMENT STANDARDS, CHAPTER 63 - MONITORING, ANALYTICAL AND REPORTING REQUIREMENTS

Chuck Corell, Bureau Chief of Water Quality presented the following item.

Commission approval is requested for revisions to Chapters 60, 62 and 63 of the rules. Chapter 60 provides general definitions of terms used elsewhere in the rules and rules of practice, including forms, applicable to the departments administration of the wastewater program. Chapter 62 adopts, by reference, the federal effluent and pretreatment standards applicable to industrial discharges. Chapter 63 specifies minimum monitoring requirements, analytical procedures and reporting requirements applicable to all wastewater discharges.

The purpose of this rulemaking is to update references in rules 62.4 (455B) and 62.5 (455B) to federal effluent and pretreatment standards that need to be changed to remain current with federal regulations. Within the past year EPA has revised or updated standards for centralized waste treatment facilities. The change to rule 60.2 (455B) is to update the definition of "Act" to include amendments to the Water Pollution Control Act through July 1, 2004. The change to subrule 63.1(1) is to update the reference to the latest EPA approved analytical methods that must be used by wastewater dischargers to remain current with federal requirements.

There have been no amendments to the Clean Water Act or to federal toxic effluent standards, rule 62.5 (455B), since these rules were last updated in 2003. EPA approved a new analytical method for measuring certain bacteria in lakes, rivers and streams in July 2003. Effluent and pretreatment standards applicable to centralized waste treatment facilities originally adopted in 2000 were amended in December 2003. These amendments deleted standards for several pollutants in several different subcategories and increased the standard for one pollutant (BOD₅) for facilities subject to the multiple wastestreams subcategory. EPA also amended standards applicable to pharmaceutical manufacturing facilities to correct printing errors made in the July 1, 2003 CFR.

The commission is being asked to adopt these rules without public notice and participation. Rule 62.2 (455B) and Iowa Code section 17A.4(1) specifically provide for adoption of federal effluent and pretreatment standards by reference, without public notice. Because the commission must adopt effluent and pretreatment standards at least as stringent as the federal standards to have primacy in the NPDES program and Iowa Code section 455B.173(3) prohibits the commission from adopting standards more stringent than the federal standards, public participation in this rulemaking is unnecessary. Although analytical methods are not effluent or pretreatment standards per se, these methods are required by federal regulations to be used to determine compliance with federal standards and in the submission of permit applications and other reports to the department. Because analytical methods at least as stringent as the federal methods are required to be used and the federal methods are adopted by reference in subrule 63.1(1), the commission is asked to adopt this rule without notice and public participation as well.

Administrative Rule Fiscal Impact Statement

Date: 10/20/2004

Agency: Department of Natural Resources 567

IAC Citation: IAC 567 Chapters 60, 62 and 63

Agency Contact: Steve Williams

Summary of the Rule: These rules update references in IAC 567 Chapters 60, 62 and 63 to current federal regulations.

- Updates the definition of "Act" to include amendments to the Water Pollution Control Act commonly referred to as the Clean Water Act.
- Updates the reference to federal toxic effluent standards.
- Adopts by reference revised federal effluent and pretreatment standards for centralized waste treatment facilities.
- Adopts by reference updates to the CFR applicable to pharmaceutical manufacturing facilities.
- Adopts by reference a new EPA approved test method for measuring bacteria in lakes, rivers and streams.

Fill in this box if the impact meets these criteria:

- ☒ No Fiscal Impact to the State.
☐ Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.
☐ Fiscal Impact cannot be determined.

Brief Explanation:

- The updates to "Act" and to federal toxic effluent standards have no impact to the State because there were no changes since these rules were last updated July 1, 2003.
- The revised effluent and pretreatment standards for centralized waste treatment and pharmaceutical manufacturing facilities have no impact on the State because there are no state facilities subject to these standards. The standards are implemented through issuance of NPDES permits which is a function the state already performs.
- The new approved test method has no fiscal impact to the State because the University of Iowa Hygienic Laboratory that performs bacterial testing for state agencies already uses this test method.

Fill in the form below if the impact does not fit the criteria above:

- ☐ Fiscal Impact of \$100,000 annually or \$500,000 over 5 years.

* Fill in the rest of the Fiscal Impact Statement form.

Assumptions:**Describe how estimates were derived:****Estimated Impact to the State by Fiscal Year**

	<u>Year 1 (FY 04)</u>	<u>Year 2 (FY 05)</u>
Revenue by Each Source:		
GENERAL FUND		
FEDERAL FUNDS		
Other (specify)		
TOTAL REVENUE	_____	_____
Expenditures:		
GENERAL FUND		
FEDERAL FUNDS		
Other (specify)		
Water Pollution Control State Revolving Fund		
Administration Account		
TOTAL EXPENDITURES	_____	_____
NET IMPACT	_____	_____

 X This rule is required by State law or Federal mandate.*Please identify the state or federal law:*

Rules implement Iowa Code sections 455B.105 and 455B.173(2) and Section 402(b) of the Clean Water Act.

 Funding has been provided for the rule change.*Please identify the amount provided and the funding source:* X Funding has not been provided for the rule.*Please explain how the agency will pay for the rule change:*

No funding is provided or necessary because these rules will not have a fiscal impact on the agency.

Fiscal impact to persons affected by the rule:

- There is no fiscal impact associated with the update to the definition of “Act” because there have been no amendments to the Act since July 1, 2003 when this reference was last updated.
- There is no fiscal impact associated with the change in the reference to federal toxic effluent standards because there were no changes to these standards since July 1, 2003.
- There is no fiscal impact resulting from the amendments to the pharmaceutical manufacturing standards because these amendments simply corrected typographical errors in the CFR by deleting duplicated text.
- There is no fiscal impact resulting from the amendments to the centralized waste treatment standards because these amendments result in less stringent requirements applicable to facilities subject to these standards
- There is no fiscal impact from EPA's approval of a new test method because the method is only approved for measuring bacteria in lakes, rivers and streams not in wastewater. Wastewater dischargers in Iowa are not required to monitor bacteria in receiving water bodies only in their own effluents.

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):

There is no fiscal impact to counties or other local governments for the same reasons stated in the previous section.

* If additional explanation is needed, please attach extra pages.

Agency Representative preparing estimate: Steve Williams
Telephone Number: 515.281.8884

Motion was made by Kathryn Murphy to approve the final rule – Ch. 60, 62, and 63 as presented. Seconded by Heidi Vittetoe. Motion carried unanimously.

Francis Thicke abstained from the vote.

APPROVED AS PRESENTED

CHEMPLEX PETITION FOR RULEMAKING: CHAPTER 53, PROTECTED WATER SOURCE

Chuck Corell, Bureau Chief of Water Quality presented the following item.

The department has received a petition for rulemaking from ACC/GCC, the company responsible for the cleanup of groundwater at the Chemplex Superfund site near Clinton. The petition requests that the department designate the site and an area down gradient from the site as a protected groundwater source under Chapter 567 IAC 53.

Currently, Equistar operates a polyethylene manufacturing facility at the site. Until 1984, this facility was operated by ACC Chemical Company and Getty Chemical Company and was referred to as Chemplex by the former owners. The site also encompasses a portion of a former fertilizer manufacturing plant, a former landfill, and adjacent lands.

The groundwater extraction and treatment system is not effectively cleaning up the groundwater due to the presence of fractured bedrock which does not allow the extraction system to reliably capture and contain the groundwater plume. Due to this fractured bedrock, it is not feasible to modify or expand the groundwater recovery system to provide effective and reliable capture. Soil clean up at the landfill has been completed and has recovered significant amounts PCE. However, groundwater monitoring indicates that natural attenuation of PCE (perchloroethylene), the primary chemical of concern at the site, is occurring over large portions of the site.

ACC/GCC proposes to cease operation of the groundwater recovery system and designate the area as a protected groundwater source. The proposed protected groundwater area includes the Chemplex site, the former PCS Nitrogen site, and privately owned lands down gradient from the site (see attached map). ACC/GCC plans to extend the drinking water system from the City of Comanche to residents in the area by providing funds to construct a new elevated water storage tank and required piping. If the area is designated as a protected groundwater source, withdrawing groundwater would be greatly restricted or prohibited. The department and EPA Region 7 agree that this plan is appropriate.

In response to the petition, the department plans to initiate the formal rule making process to designate this area as a protected groundwater source. The draft rule will be presented to the commission as an information item at the December 2004 meeting.

INFORMATIONAL ONLY

CONTRACT - SALEM ASSOCIATES, INC. FOR DATABASE PROGRAMMING AND SUPPORT

Steve Hopkins, Supervisor of Water Operations presented the following item.

Commission approval is requested for a contract with Salem Associates, Inc., to provide in-house database programming, development, support and staff training.

The Safe Drinking Water Act (SDWA) requires public water supplies to be regulated and their operators to be certified. The Water Supply Operations (WSO) Section oversees the department's operator certification program, which certifies water and wastewater operators, well drillers, well pluggers, pump installers, and environmental laboratories. To track enforcement and compliance with the SDWA, the Department uses several databases that link with EPA's Safe Drinking Water Act Information System (SDWIS) database.

The WSO Section needs assistance to complete several on-going water supply database and operator certification projects using a mixture of technology platforms. These projects to be completed involve, but are not limited to, application development, system design, support services, training, and documentation. This contract will allow the department to update the existing database to comply with the new pump installer certification rule, develop a new database for wastewater operators, complete end-user adjustments to access SDWIS, continue to

consolidate databases, upgrade the skills of current staff, and to provide on-going database support.

The Department issued a Request For Proposals for this project in October of 2004 and received four (4) proposals in response to the request. A six-person committee evaluated the proposals, and each member independently scored the proposals. The candidate from Salem Associates was selected as the top candidate based on the demonstration of his skills, knowledge, and abilities required for the department's projects, as well as his having already developed a reputation of producing high quality work for the Water Supply Operations staff on other, similar projects.

The cost of this contract is estimated at \$135,200. (one-year contract)

Motion was made by Donna Buell to approve the contract with Salem Associates as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - UNITED STATES GEOLOGICAL SURVEY FOR STREAM GAGING, GROUNDWATER LEVEL MEASUREMENTS, AND GROUNDWATER QUALITY MONITORING

Mary Skopec, Section Supervisor of the Water Monitoring Section presented the following item.

The Department requests Commission approval of a contract in the amount of \$180,500 with the United States Geological Survey (USGS) for stream gaging and groundwater monitoring activities.

This contract continues the cooperative cost-share agreement between the Department and the USGS for the measurement of stream flows. The contract amount will be used for stream gaging at 25 stream sites, 4 lake stations, and sediment sampling at two stream locations. Continuous stream discharge measurements at the USGS gages can be used to predict flooding as well as irrigation water supply. The measurement of stream flow is a critical element of a water-monitoring program because it is used in the calculation of mass loading of various contaminants to receiving water bodies. The two of sediment stations (Iowa River at Wapello and Skunk River at Augusta) were supported by the U.S. Army Corps of Engineers (COE) as long-term sediment stations for more than 20 years. When fiscal year 2002 budget cuts to the COE eliminated funding for these sediment stations, the Department incorporated these stations into the USGS contract to preserve the data record.

Funding for this agreement is available from Environment First Infrastructure Funds, Fish and Wildlife Trust Funds, and 319 Federal EPA grants to the TMDL program.

IDNR – USGS Agreement Budget

Project (Funding Source)	Iowa Department of Natural Resources Payment	United States Geological Survey Match	NSIP	TOTAL
Surface Water Gaging	153,900	126,390	12,450	292,740
Lake Gaging (F&WTF)	8,260	6,760		15,020
Sediment (RIIF)	18,340	15,000		33,340
TOTAL	180,500	148,150	12,450	341,100

SGF = State General Fund

RIIF = Rebuild Iowa Infrastructure Fund

F&WTF = Fish and Wildlife Trust Fund

Description of Projects**SURFACE-WATER STATIONS
(IA 00-001)****PERIOD OF PROJECT:** Continuous since 1902**PROJECT CHIEF:** Greg Nalley (gmnalley@usgs.gov)**STUDY AREA:** Statewide**COOPERATING AGENCIES:**

U.S. Army Corps of Engineers (Rock Island, Omaha, Kansas City, and St. Paul Districts), Iowa Department of Natural Resources (Geological Survey Bureau), Iowa Department of Transportation (Highway Division, Highway Research Advisory Board), University of Iowa Institute of Hydraulic Research, Iowa State University, City of Ames, City of Bettendorf, City of Bloomfield, Buchanan County Emergency Management, City of Cedar Falls, City of Cedar Rapids, City of Charles City, City of Clear Lake, City of Clinton, City of Coralville, City of Davenport, Decorah Water Department, City of Des Moines, Des Moines Water Works, City of Fort Dodge, City of Iowa City, Lake Delhi Recreation Association, Lake Panora Association, Limestone Bluffs RC&D, City of Marshalltown, City of Milford, City of Mount Pleasant, City of Ottumwa, Ottumwa Water and Hydro, City of Sioux City, City of Waterloo, City of Waverly, Union Electric Company.

NEED FOR STUDY:

Stream flow supplies water for many uses, including domestic, commercial, and industrial uses; irrigation of crops; dilution and transport for removal of wastes; hydroelectrical power generation; commercial transport; and recreation. Stream flow records are used to develop reliable surface-water supplies because they provide information on the availability and variability of stream flow. Excessive stream flow, or flooding can cause extensive damage and hardship. Records of floods obtained at the streamflow-gaging stations serve as the basis for the design of bridges, culverts, dams, and flood-warning systems. Stream flow records are used in the planning and design of surface-water related projects and in the management or operation of such projects after they are completed.

OBJECTIVES:

To collect surface-water data sufficient to satisfy the needs for current uses, such as:

1. assessment of water resources;
2. operation of reservoirs or industries;
3. forecasting;
4. pollution control and disposal of wastes;
5. discharge data to accompany water-quality measurements;
6. contract and legal requirement; and
7. research or special studies.

To collect the data necessary for analytical studies to define, for any location, the statistical properties and trends in discharge or elevation of streams, lakes, and reservoirs.

PROGRESS:

Surface-water data were collected, compiled, and published through the 2000 water year, with 2001 publication set for April 2002. The 1995-2000 Annual Data Reports are on-line under "Publications". The data network presently (2001) consists of 129 full stream-flow gaging stations and 17 stage-only stream, lake, or reservoir stations. Ninety-two stations also are equipped with precipitation gages.

In 2001, the federally funding National Streamflow Information Program (NSIP) provided funding to upgrade six surface-water monitoring gages to satellite telemetry and provided funding for its installation of Rock River at Rock Rapids, Iowa and Turkey River at Elkader, Iowa.

In late April of 2001, the USGS Iowa District office field personnel made a series of peak flow discharge measurements on the Mississippi River as they followed the flood crest down river. The USGS also collected a series of water quality samples associated with its peak flow discharge measurements.

Motion was made by Lisa Davis Cook to approve the contract with USGS for stream gaging. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - UNITED STATES GEOLOGICAL SURVEY FOR STREAM MONITORING ON BIG RIVERS

Mary Skopec, Section Supervisor of the Water Monitoring Section presented the following item.

The Department requests Commission approval of a contract in the amount of \$160,105 with the United States Geological Survey (USGS) for monitoring of Iowa's largest rivers and development of pollutant loads from these streams.

This contract is a cooperative cost-share agreement between the Department and the USGS for the monitoring large streams. The purpose of the project is to collect consistent, representative

water-quality data from sites on the major rivers draining Iowa that will allow nitrogen, phosphorus, and pesticides loads that are transported to the Missouri and Mississippi to be quantified. Data will be collected that are compatible with that collected as part of the IA-DNR ambient water monitoring program and the USGS NAWQA and NASQAN programs. Samples will be collected monthly to document seasonal variability. Because high-flow events (floods) can carry large amounts of suspended and dissolved constituents, an average of two additional samples per site will be collected yearly during high flows. A uniform number of high-flow samples will most likely not be collected at each site. For example, initially flood sampling will be focused on western Iowa sites that have little high-flow data in contrast to a number of the eastern Iowa sites that have been sampled previously as part of the NAWQA and NASQAN projects. This will allow a more accurate estimate of yearly loads throughout the State. An intensive effort will be made to sample any river that is experiencing exceptional (25 year or more recurrence) flooding.

The contract amount will be used for stream monitoring at 10 stream sites (see Table 1). Parameters to be analyzed are shown in Table 2 and include basic water chemistry, nutrients, and pesticides. These sites are co-located with USGS stream gages and therefore allow the state to determine the mass loading of various contaminants leaving the state.

Funding for this agreement is available from Environment First Infrastructure Funds and the United States Geological Survey.

Appendix A

IDNR – USGS Agreement Budget

Project (Funding Source)	Iowa Department of Natural Resources Payment	United States Geological Survey Match	TOTAL
Big River Sampling	160,105	130,995	291,100

Table 1. Monthly monitoring sites on major rivers draining Iowa

Site ID	Site Name (USGS gage)	Drainage area (mi ²)
Iowa sites		
05412500	Turkey River at Garber	1,545
05418500	Maquoketa River at Maquoketa	1,553
05422000	Wapsipinicon River nr DeWitt	2,330
05474000	Skunk River at Augusta	4,303
05490500	Des Moines River at Keosauqua	14,038
06485500	Big Sioux River at Akron	8,424
06607500	Little Sioux nr Turin	3,526
06609500	Boyer River at Logan	871
06810000	Nishnabotna River above Hamburg	2,806
05465500	Iowa River at Wapello	12,499

Table 2. Physical and chemical constituents to be measured and analyzed.

Analyte	Parameter Code	CAS Number	RL	Unit
Field measurements				
Water temperature	00010			
Specific conductance	00095			
Dissolved oxygen	00300			
Barometric pressure	00025			
pH	00400			
Stream discharge	00061			
Major ions				
Alkalinity				
Silica	00955		0.21	mg/L
Chloride	00940		0.20	mg/L
Sulfate	00945		0.18	mg/L
Nutrients				
Nitrogen, ammonia	00608	7664-41-7	0.041	mg/L
Nitrogen, nitrite	00613	14797-65-0	0.008	mg/L
Nitrogen, nitrite plus nitrate	00631		0.06	mg/L
Total nitrogen				mg/L
(NH ₃ +NO ₂ +NO ₃ +Organic), unfiltered	62855	17778-88-0	0.03	
Total nitrogen				mg/L
(NH ₃ +NO ₂ +NO ₃ +Organic), filtered	62854	17778-88-0	0.03	
Phosphorus, ortho	00671	14265-44-2	0.018	mg/L
Phosphorus, total	00665	7723-14-0	0.0037	mg/L
Carbon (inorganic + organic) suspended sediment	00694			
Inorganic carbon, suspended sediment	00688			
Organic carbon suspended sediment	00689			
Organic carbon, dissolved (DOC)	00681		0.22	mg/L
Algal pigments				
Pheophyton A	62360	603-17-8	0.1	ug/L
Chlorophyll a	70953	479-61-8	0.1	ug/L
Pesticides				
alpha-HCH	34253	319-84-6	0.0046	ug/L
Acetochlor	49260	34256-82-1	0.006	ug/L
Alachlor	46342	15972-60-8	0.0045	ug/L
2,6-Diethylaniline	82660	579-66-8	0.006	ug/L
Atrazine	39632	1912-24-9	0.007	ug/L
Deethylatrazine	04040	6190-65-4	0.006	ug/L
Azinphos-methyl	82686	86-50-0	0.05	ug/L

Benfluralin	82673	1861-40-1	0.010	ug/L
Butylate	04028	2008-41-5	0.002	ug/L
Carbaryl	82680	63-25-2	0.041	ug/L
Carbofuran	82674	1563-66-2	0.020	ug/L
Chlorpyrifos	38933	2921-88-2	0.005	ug/L
cis-Permethrin	82687	54774-45-7	0.006	ug/L
Cyanazine	04041	21725-46-2	0.018	ug/L
Dacthal	82682	1861-32-1	0.0030	ug/L
Diazinon	39572	333-41-5	0.005	ug/L
Dieldrin	39381	60-57-1	0.0048	ug/L
Disulfoton	82677	298-04-4	0.021	ug/L
EPTC	82668	759-94-4	0.0020	ug/L
Ethalfuralin	82663	55283-68-6	0.009	ug/L
Ethoprophos	82672	13194-48-4	0.005	ug/L
Desulfinylfipronil amide	62169		0.009	ug/L
Fipronil sulfide	62167	120067-83-6	0.005	ug/L
Fipronil sulfone	62168	120068-36-2	0.005	ug/L
Desulfinylfipronil	62170		0.004	ug/L
Fipronil	62166	120068-37-3	0.007	ug/L
Fonofos	04095	944-22-9	0.0027	ug/L
Lindane	39341	58-89-9	0.0040	ug/L
Linuron	82666	330-55-2	0.035	ug/L
Malathion	39532	121-75-5	0.027	ug/L
Parathion-methyl	82667	298-00-0	0.006	ug/L
Metolachlor	39415	51218-45-2	0.013	ug/L
Metribuzin	82630	21087-64-9	0.006	ug/L
Molinate	82671	2212-67-1	0.0016	ug/L
Napropamide	82684	15299-99-7	0.007	ug/L
p,p'-DDE	34653	72-55-9	0.0025	ug/L
Parathion	39542	56-38-2	0.010	ug/L
Pebulate	82669	1114-71-2	0.0041	ug/L
Pendimethalin	82683	40487-42-1	0.022	ug/L
Phorate	82664	298-02-2	0.011	ug/L
Prometon	04037	1610-18-0	0.015	ug/L
Propyzamide	82676	23950-58-5	0.0041	ug/L
Propachlor	04024	1918-16-7	0.010	ug/L
Propanil	82679	709-98-8	0.011	ug/L
Propargite	82685	2312-35-8	0.023	ug/L
Simazine	04035	122-34-9	0.005	ug/L
Tebuthiuron	82670	34014-18-1	0.016	ug/L
Terbacil	82665	5902-51-2	0.034	ug/L
Terbufos	82675	13071-79-9	0.017	ug/L
Thiobencarb	82681	28249-77-6	0.0048	ug/L
Tri-allate	82678	2303-17-5	0.0023	ug/L
Trifluralin	82661	1582-09-8	0.009	ug/L

Sediment

Turbidity	99872	1	NTU
Suspended sediment	80154		



Motion was made by Lisa Davis Cook to approve the contract with USGS for stream monitoring as presented. Seconded by Francis Thicke. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - IOWA DEPARTMENT OF PUBLIC HEALTH FOR BROWNFIELD ASSISTANCE

Mel Pins, Iowa Geological Survey presented the following item.

Requesting approval of a contract between the department and the Iowa Department of Public Health (IDPH) to enhance Brownfield redevelopment efforts in Iowa.

Brownfields are abandoned, idled, or underused industrial and commercial properties, where resale or redevelopment has been hindered by known or suspected environmental contamination

at the site. As an example, a Brownfield may be the site of a former factory, dry cleaner, fertilizer plant, chemical warehouse, or a petroleum bulk plant. It is estimated that more than 4,000 Brownfield sites exist in Iowa.

Brownfield sites are often perceived as causing harm or risk to the public's health, due to suspected contaminants that may be at the site. These public health concerns further impede site redevelopment and reuse, especially when public health conditions at a site have not been fully studied or reviewed to determine if a risk exists.

Iowa Department of Public Health Assistance Contract

The department proposes to contract with the IDPH in the amount of \$50,000 to facilitate the IDPH's advisement, assessment, and study regarding public health risks at selected Brownfield sites. IDPH will also assist in the development of policy and process improvements designed to provide clear, quantifiable information and guidance on risk-based standards and risk calculations for toxic substances.

Project Specifics

The following projects will be key components of the contract between IDPH and the department:

1) Risk-Based Standards/Calculations Guidance Document

In accordance with paragraph 567 IAC 137.5(3)"c" and subrule 567 IAC 137.5(10), IDPH will assist the department in the development of a guidance document that contains factors that are necessary to establish risk-based standards and conduct risk calculations:

- cancer group classification
- oral reference dose and cancer slope factor
- dermal reference dose and cancer slope factor
- dermal absorption factor
- inhalation reference concentration
- inhalation unit (cancer) risk
- target organ(s) for non-cancer impacts from oral and inhalation exposure

Brownfield Public Health Assessments

The department may request that the IDPH review testing and analytical information about hazardous substances at a Brownfield site, as provided by the department, and IDPH will be prepared to provide a Health Assessment, Health Consultation, and/or Health Education and Promotion outreach activity, through IDPH's Hazardous Waste Site Health Assessment Program. These health assessment services will provide the public with clear and concise information and evaluation about hazardous substances at a Brownfield site and how exposure may affect the general public. An estimated six (6) public health consultations will be requested during the contract period.

Contract Funding

The department's Iowa Brownfield Redevelopment Program is funded by a United States EPA grant. Grant funds are used to conduct site testing at Brownfield sites, to enhance the department's policies and programs to encourage environmental improvement and redevelopment of Brownfield sites, and to enhance the protection and improvement of the public's health.

In 2003 the department applied for grant funds through the EPA, and was awarded \$773,000 for the Federal fiscal year 2004, and EPA has budgeted an additional \$821,000 for receipt by the department for Federal fiscal year 2005 (October 1, 2004 – September 30, 2005).

This proposed contract with IDPH has been included in the Brownfield work plan as approved by the US EPA for Federal fiscal year 2005 funds awarded to the department. The contract period with IDPH would be in effect through September 30, 2005.

Motion was made by Terry Townsend to approve the contract as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – GREENMAN TECHNOLOGIES OF IOWA FOR BEE RITE TIRE DISPOSAL IN RHODES AND STATE CENTER, IOWA WASTE TIRE STOCKPILE ABATEMENT PROJECT

Jeff Geerts, Program Planner for the Energy and Waste Management Bureau presented the following item.

Project Description

The Commission is requested to approve a contract with Greenman Technologies of Iowa for the removal, processing, and marketing of approximately 705,000 waste tires located at Rhodes and State Center, Iowa in Marshall County. The contract amount is for a total of \$666,155.

A majority of the tires are located in Rhodes, Iowa with the State Center site containing approximately 5,000 whole tires. The two stockpile locations owned by Bee Rite Tire Disposal include whole tires, partial tires, shredded tires, and approximately 5,100 tire bales. Some of the partial tires and baled tires are buried on the Rhodes site for site stabilization purposes. Due to the expected higher cost of removing the buried tires, the department requested that bidders provide a per ton cost amount to remove tires located above ground and a separate price per ton to remove tires below ground.

The contract implements the goals of Iowa Administrative Code Chapter 218, "Waste Tire Stockpile Abatement Program," to abate waste tire stockpiles that pose a nuisance to the environment, or to public health, safety or welfare, through awarding of department contracts.

The Energy and Waste Management Bureau issued a notice of request for proposals (RFPs) in September of 2004 to solicit services from qualified firms for this stockpile abatement project. The RFP was sent to forty waste tire hauling and processing firms in the Midwest. The RFP was also posted on the department and Targeted Small Business Web sites and published twice in the *Des Moines Register*. The department hosted a walk through of the Rhodes and State Center tire site locations on October 18, 2004 for interested bidders. The following firms attended.

- Auburndale Recycling – Auburndale, WI
- Bud's Tire & Repair – Coralville, IA
- Champlin Tire – Concordia, KS
- Greenman Technologies of Minnesota - Savage, MN (Also has a Des Moines, Iowa location)
- Koster Grinding – Carroll, IA
- Tire Environmental – Muscatine, IA

Selected Bidder

Four bids were received in response to this RFP.

Bidder	Cost Per Ton for Tires Above Grade	Cost Per Ton for Tires Below Grade	Market Tires Will be Sent To
Auburndale Recycling Center, Inc – Auburndale, WI	\$150	\$150	Tire-derived fuel (TDF), playground surfacing, horse arenas, crumb-rubber products
Greenman Technologies of Iowa – Des Moines, IA	\$94.49	\$94.49	TDF, landfill leachate collection systems, and crumb-rubber products
Koster Grinding, Inc – Carroll, IA	\$135	\$160	TDF, playground surfacing, horse arenas, crumb-rubber products, landfill leachate collection systems
Tire Environmental Services – Muscatine, IA	\$145	Not Specified	TDF

The Department recommends selection of Greenman Technologies of Iowa's bid based upon the following factors presented in their proposal.

- The contractor has over 10 years of experience in the waste tire processing industry.
- The contractor's Iowa facility has already marketed 2.7 million scrap tires in 2004 and marketed 3.5 million tires in 2003.
- The contractor owns the specialized equipment necessary to complete this work.
- The contractor has successfully completed other stockpile abatement projects throughout Iowa and the Midwest, and has extensive references from state agencies and private firms.

- The contractor and affiliated companies have definitive contracts and purchase orders to supply tire-derived fuel to Holcim Cement, Mason City, OtterTail Power Company, Millbank, South Dakota, and Northern States Power Company, Eau Claire, WI.
- The contractor's bid was \$40 per ton less than the next closest bid.

Stockpile descriptions

The sites selected for abatement activities will provide the contractor with good access to the site and most of the tires. The exception will be the removal of the buried tire pieces and bales on the Rhodes site if the department decides to have these tires removed. All visible tires will be removed from the sites first. Once all visible tires are removed, the department will make a determination as to whether to remove none, some, or all of the buried tires depending on the cost to remove buried tires, available funding for removal, and the risk of leaving the tires on site. The sites are as follows:

Site	Location	Site Conditions	Tire Amount
Bee Rite Tire Disposal	Rhodes, IA	Approximately 25,000-40,000 tires are buried and 660,000 tires are at or above grade	700,000
Bee Rite Tire Disposal	State Center, IA	Tires are inside a small warehouse	5,000

History of the Stockpiles

Waste tires were deposited on the Rhodes site since 1997. The stockpile was created as the result of business owner Michael Trowbridge and chief executive officer Jerry Yoemans of Bee Rite Tire Disposal, Inc a tire collection and processing business. Waste tires were deposited on the State Center site during approximately 2001-2003.

The Rhodes site experienced a large fire in December 2001. After citations for non-compliance with permit provisions related to the storage and handling of waste tires on the site and legal action brought by the Department of Natural Resources and the Iowa Attorney General's office, a Consent Order, Judgment and Decree were signed by all parties in June 2004. The Consent Order included the removal and proper disposal of all solid waste including tires at the Rhodes and State Center sites. The Consent Order assesses a \$1.5 million civil penalty to Michael Trowbridge, Jerry Yoemans and Bee Rite Tire Disposal and also orders payment of an unpaid balance of a department administrative order of \$10,000 from July 2001.

With outstanding penalties and non-compliance with court orders for cleanup, the Department now seeks to minimize the on-going risk to the environment and public health and safety, by contracting for removal of the tires.

Owner Responsibility in Projects

- Michael Trowbridge, Jerry Yoemans and Bee Rite Tire Disposal will allow access to the property to the department and its agents for the removal of the waste tires.
- Michael Trowbridge, Jerry Yoemans and Bee Rite Tire Disposal will make a cost share payment of \$5 per month until the abatement project is complete. This cost share amount satisfies the legislative requirement that a cost share be paid by the owners of tire stockpile sites abated. This minimal cost share is in addition to the \$1.5 million civil penalty and the \$10,000 administrative order discussed above.

The Department anticipates stockpile abatement will begin in December 2004 and will conclude in approximately May 2005.

Jeff Geerts said that the department has cleaned up over a hundred sites, over ten million tires in the last six years.

Lisa Davis Cook requested an update on this project at the January or February commission meeting.

Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION: CHAPTER 22, SPECIAL REQUIREMENTS FOR VISIBILITY PROTECTION, BEST AVAILABLE RETROFIT TECHNOLOGY (BART) APPLICABILITY

Wendy Rains, Environmental Specialist Senior of the Air Quality Bureau presented the following item.

The department will be requesting permission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 22 “Controlling Pollution” of the 567 Iowa Administrative Code.

The purpose of these amendments is to assist the department in identifying stationary sources of air pollution potentially subject to the Best Available Retrofit Technology (BART) emission control requirements established by the federal Regional Haze Regulations.

Regional haze is visibility impairment at federal mandatory Class I areas (i.e., national parks and wilderness areas). It is caused by tiny particles that absorb and scatter sunlight, giving the sky a veil of white and brown haze. Previous federal regulations addressed visibility impairment attributable to specific sources. The Regional Haze Regulations address visibility impairment

resulting from air pollution transported hundreds of miles and attributable to the cumulative emissions from widely distributed sources.

The department has been meeting with a representative group of potential BART-eligible sources regarding the BART requirements and the timeline mandated by the federal regulations for implementation. Currently, the department anticipates this rule will impact emission units at approximately 40 facilities.

The U.S. EPA is not expected to finalize the BART implementation guidance for the Regional Haze Regulations until sometime in the spring of 2005. Therefore, the department proposes a bifurcated rulemaking process that will allow the department to proceed with activities related to the elements of the BART implementation guidance that are already established in the Regional Haze Regulations. A future rulemaking will set out the procedure the department will follow to comply with the remainder of the BART implementation guidance. Following the second rulemaking, each stationary source of air pollution determined to be BART-eligible would undergo review by the department to determine whether air pollutant emissions from the source could reasonably be anticipated to cause or contribute to any visibility impairment in any federal mandatory class I area.

If permission to proceed with the rulemaking is granted, both the informational and public meetings have been changed. The information meeting will be held on December 9, 2004 at DNR's Water Supply Office at 1:00 p.m. The public hearing will be held at the Air Quality Bureau on January 14, 2005 at 1:00 p.m.

Administrative Rule Fiscal Impact Statement

Date: 9/22/04

Agency: Natural Resources IAC Citation: 567 IAC Chapter 22.9 (455B) Rules Contact: Anne Preziosi
Summary of the Rule: This rule implements the Best Available Retrofit Technology (BART) provisions of the federal Regional Haze rule. The federal Regional Haze rule is intended to improve visibility nationally at specific national parks and wilderness areas. Stationary sources identified with BART-eligible emission units shall submit identification and emission unit description information to the department. An additional rulemaking will be started in the spring of 2005 to address BART exemption determinations and engineering analyses.
<p><i>Fill in this box if the impact meets these criteria:</i></p> <p><input checked="" type="checkbox"/> No Fiscal Impact to the State. <input type="checkbox"/> Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years. <input type="checkbox"/> Fiscal Impact cannot be determined.</p> <p>Brief Explanation: There will be no change in state revenues or expenditures as a result of this rule.</p>
<p><i>Fill in the form below if the impact does not fit the criteria above:</i></p> <p><input type="checkbox"/> Fiscal Impact of \$100,000 annually or \$500,000 over 5 years.</p> <p>* Fill in the rest of the Fiscal Impact Statement form.</p>

Assumptions:***Describe how estimates were derived:******Estimated Impact to the State by Fiscal Year***

	<u>Year 1 (FY)</u>	<u>Year 2 (FY)</u>
Revenue by Each Source:		
GENERAL FUND		
FEDERAL FUNDS		
Other (specify)		
TOTAL REVENUE	_____	_____
Expenditures:		
GENERAL FUND		
FEDERAL FUNDS		
Other (specify)		
TOTAL EXPENDITURES	_____	_____
NET IMPACT		

X This rule is required by State law or Federal mandate.

Please identify the state or federal law:

The BART Provisions of the Regional Haze Regulations are mandated by the Clean Air Act, section 169(a).

 Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

X Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change:

The agency will not need additional revenue to implement this rule.

Fiscal impact to persons affected by the rule:

Based on a preliminary survey, the department anticipates that 40 stationary sources will be required to complete the BART Eligibility Certification form referenced in this rule. The department estimates that one person may spend 1-2 days to complete the BART Eligibility Certification form. The maximum cost would be between \$500 and \$750 per stationary source.

The second part of this rulemaking will be initiated in the spring of 2005. The information gathered in the initial rulemaking will allow the department to review the BART-eligible sources for possible exemption. It is anticipated that up to 75% of these stationary sources may be exempted from additional BART review. The remaining stationary sources will need to complete an engineering analysis to be outlined in the 2005 rulemaking. The stationary source category to be impacted the most will be fossil-fueled fired boilers and fossil-fueled fired steam electric plants. An additional administrative rule fiscal impact statement for the engineering analysis will be provided with the second part of this rulemaking.

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):

No impact.

* If additional explanation is needed, please attach extra pages.

Agency Representative preparing estimate: Wendy Rains

Telephone Number: 515-281-6061

Motion was made by Lisa Davis Cook to approve the NOIA for Chapter 22 as presented. Seconded by Donna Buell. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - CHAPTER 23, EMISSION STANDARDS FOR CONTAMINANTS (CONTROLLED BURNING OF A DEMOLISHED BUILDING.)

Christine Paulson, Environmental Specialist Senior of the Air Quality Bureau presented the following item.

The Commission will be asked to approve a notice of intended action to amend Chapter 23, "Emission Standards for Contaminants," 567 Iowa Administrative Code. The department presented this as an information item at the August 2004 Commission meeting.

The primary purpose of this rulemaking is to implement Iowa Code section 455B.133(10) that was passed as House File 2392 of the 80th General Assembly and signed into law. The legislation modified an existing exemption under which a city may conduct controlled burning of a demolished building. The department is required to adopt rules to implement this legislation. This rulemaking specifies the conditions that must be met in order for a city to use the revised exemption for controlled burning of a demolished building. The department, in an effort to clarify the existing rules, is also proposing some additional changes in this rulemaking.

The following changes to the current exemption for controlled burning of a demolished building are proposed:

- Amend subrule 23.2(2), "Variances from rules," to remove the last sentence. This sentence refers to the subparagraph for training fires and demolished building burns. Since this subrule applies to variances for all of the open burning rules, the last sentence is too restrictive. Further, specific language regarding variances from the requirements for demolished building burns is included in the subparagraph for that exemption.*

- Rescind subrule 23.2(3), paragraph "g", which currently contains rules for both training fires and demolished building burns, and replace it with the requirements for training fires. The department is proposing this revision to better distinguish between the requirements for training fires and the controlled burn of a demolished building. The department is making no changes to the current rule requirements for training fires.*

- Amend subrule 23.2(3) to add a new paragraph "j" containing the requirements for controlled burning of a demolished building. As noted above, the department is proposing this amendment to more clearly differentiate between the requirements for the two types of burns.*

- Under new paragraph "j", include these revisions to the requirements for controlled burning of a demolished building:

- Re-number and re-group the requirements for demolished building burns. The requirements are now grouped by category.*
- Add a sentence stating that a city is the only party that may conduct these burns, and is responsible for ensuring compliance with all requirements. This addition is to emphasize that only a city may conduct demolished building burns, and that the city must ensure compliance with the rules.*

- Add a requirement that the city council, as defined in Iowa Code, must approve all demolished building burns. This change is being made to ensure that a city has a formal mechanism for approving all burns.*
- Add a requirement that the city must submit the notification of a controlled burn that is postmarked at least ten working days before demolition commences, in addition to the currently-required thirty days before burning commences. This will make the rule consistent with the notification requirements for institutional demolitions under the National Emission Standards for Hazardous Air Pollutants (NESHAP) for asbestos.*
- Add a requirement that documentation of city council approval must be submitted with the notification of a demolished building burn. The change is being made to require documentation that the city council has sanctioned the burn.*
- Add a limit of 1700 square feet for the allowed building size for burns conducted at a designated site outside the city limits. The building size limit is needed to demonstrate modeled attainment with the National Ambient Air Quality Standards (NAAQS) for particulate matter less than or equal to 10 microns in diameter (PM10) and carbon monoxide (CO).
- Add landscape waste and residential waste to the list of materials that may not be burned in the controlled burn of a demolished building. This change is being made to prevent open dumping of residential and landscape wastes for which other means of disposal are available.
- Decrease the number of demolished buildings that can be burned within a 0.6 mile radius within the city limits from three burns in three years to one burn per calendar year. This requirement was included in the amendments to Iowa Code section 455B.133(10).
- Add limits on the location for demolished building burns, and the number of burns, that may be conducted at a designated site outside the city limits. One burn per day may be conducted at a designated site at least 0.6 mile from any building inhabited by a person. These requirements were included in the amendments to Iowa Code section 455B.133(10). In addition, the term “person,” as defined in Iowa Code section 362.2(17), was added to the rule. This change was made to clarify that an inhabited building is a building inhabited by people who are residents or employees of a business, but does not include a building inhabited by only livestock or other animals.*
- Add requirements that the city must control access to all demolished building burn sites, and that representatives of the city who are city employees or who are hired by the city must supervise all burns at all times. These requirements were included in the amendments to Iowa Code section 455B.133(10). A clarification was also added to better define “representatives of the city.”*
- Add recordkeeping requirements for demolished building burns conducted at a site outside of the city limits. This change is to ensure that the city is keeping adequate documentation of all burns.
- Clarify that the city clerk, as defined in Iowa Code, must maintain all required records for demolished building burns. This change adds a reference to the Iowa Code definition for “city clerk.”*
- Add a three-year retention period for all recordkeeping required for demolished building burns. This was increased from the two-year retention period previously

proposed for information because exceedances of the NAAQS for PM10 are tracked over a three-year period.*

**Indicates changes that are new or that differ from those proposed for information in August 2004.*

If the Environmental Protection Commission approves this Notice of Intended Action, a public hearing will be held on January 10, 2005, at 1 PM at the Urbandale Public Library. The department will also hold an informational meeting for those with questions about the rule changes on December 15, 2004, at 1 PM at the Urbandale Public Library. The public comment period on the proposed rules will close on January 17, 2005.

Administrative Rule Fiscal Impact Statement

Date: November 15, 2004

Agency: Natural Resources

IAC Citation: 567 Subrule 23.2(3) (455B)

Agency Contact: Anne Preziosi

Summary of the Rule:

This rule amendment includes implementation of Iowa Code section 455B.133(10) as revised by the 80th General Assembly of the Iowa Legislature. The legislation modified an existing exemption under which cities may conduct controlled burning of a demolished building and required the department to adopt rules to implement this legislation. This rulemaking specifies the conditions that must be met in order for a city to use the revised exemption for controlled burning of a demolished building.

Fill in this box if the impact meets these criteria:

- ☒ No Fiscal Impact to the State.
☐ Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.
☐ Fiscal Impact cannot be determined.

Brief Explanation:

Rule changes will not affect expenditures or revenues to the state.

Fill in the form below if the impact does not fit the criteria above:

☐ Fiscal Impact of \$100,000 annually or \$500,000 over 5 years.

* Fill in the rest of the Fiscal Impact Statement form.

Estimated Impact to the State by Fiscal Year

	<u>Year 1 (FY)</u>	<u>Year 2 (FY)</u>
Revenue by Each Source:		
GENERAL FUND		
FEDERAL FUNDS		
Other (specify)		
TOTAL REVENUE	_____	_____
Expenditures:		
GENERAL FUND		

FEDERAL FUNDS

Other (specify)

TOTAL EXPENDITURES**NET IMPACT** x This rule is required by State law or Federal mandate.*Please identify the state or federal law:*

The Department is required to implement this rule change under Iowa Code section 455B.133.

 Funding has been provided for the rule change.*Please identify the amount provided and the funding source:* x Funding has not been provided for the rule.*Please explain how the agency will pay for the rule change:*

The agency will not need additional revenue to implement this rule.

Fiscal impact to persons affected by the rule:

Diverting the “demolished building” solid waste from the landfill will result in a revenue loss for private and/or municipal landfills. It is estimated that cities will use this rule primarily to demolish and burn houses. It is estimated that the typical disposal cost per house currently is \$1,500. If after burning, only 30% of the house must be disposed of in a landfill, this would reduce the cost to ($\$1,500 \times 30\% =$) \$450. Landfills may experience a loss in revenues of \$1050 per house.*

Burning a demolished building may result in a loss of revenue for demolition contractors. Demolition contractors, in addition to demolishing the house, also provide for the loading and transportation of the debris to a landfill for disposal. An average cost per house for loading and hauling an entire structure is estimated at \$3,825. However, the “controlled burning” option would only require that 30% of the structure, the unburnable part, would need to be disposed of at a landfill. The new rules could potentially result in a revenue loss to the demolition contractors from loading and hauling less material of \$2,677 ($\$3,825 \times 0.7$) per house.*

Increased burning activity resulting from cities choosing to use this rule may result in possible health related impacts. Nearby residents may experience cardiovascular and respiratory effects from the toxic air emissions from the burning buildings. The young, elderly and those with chronic health conditions are likely to be more susceptible to the air emissions from the burning. The air emissions may result in increased hospital admissions or physician office calls. Fiscal impacts cannot be determined because this would be dependent upon the severity of the air emissions, the age and health status of nearby residents, and the proximity of residents to the burn site.

**Estimates on the cost of demolition, loading, hauling and landfill disposal are based on cost estimates from the Iowa Department of Transportation, as well as estimates obtained from several demolition contractors.*

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):**Cities**

This rule allows cities to burn demolished buildings, and is expected to result in cost savings to cities that choose to use this exemption.

It is estimated that cities will primarily use this rule to demolish and burn houses or smaller commercial buildings that are roughly the size of a house. The cost for a city to burn a house is \$1,000 per house. The average cost for an asbestos inspection is \$600. The average cost of asbestos removal is \$2,000. The average cost for landfill disposal of the debris (tipping fees only) is \$1,500 per house. The average cost for demolishing, loading and hauling a structure to a landfill is \$4500 with 15% (\$675) of this cost being dedicated to the demolition itself and the remaining 85% (\$3,825) dedicated to the loading and transportation.*

Cities must maintain records of each "controlled burning of a demolished building." The administrative cost associated with participating in "controlled burning" is estimated to be \$50 per burn.

Cost estimation for disposal by landfilling:

-cost for asbestos inspection	\$ 600
-cost for asbestos removal	2,000
-cost to city for demolition	675
-cost to city for loading and transportation	3,825
-cost to city for landfill disposal (tipping fees)	<u>1,500</u>

TOTAL COST WITHOUT BURNING \$8,600

Cost estimation for disposal using the controlled burn option:

-cost for asbestos inspection	\$ 600
-cost for asbestos removal	2,000
-costs of actual burning	1,000
-cost to city for demolition	675
-cost to the city for recordkeeping.....	50
-cost to city for loading and transportation (30% of the entire structure)	1,147
-cost to city for landfill disposal (tipping fees) (30% of the entire structure)	<u>450</u>

TOTAL COST when using the controlled burn option \$5,922

In summary, the cost for a city to dispose of a house without burning is \$8,600. The cost for a city to dispose of a house through the "controlled burning" option in these rules is \$5,922. Cities will save approximately **\$2,678** per house.

**Estimates on the cost of asbestos inspection, asbestos removal, demolition, loading, hauling and landfill disposal are based on cost estimates from the Iowa Department of Transportation, as well as estimates obtained from several demolition contractors.*

Municipal Landfills

This rule may result in loss of revenues to municipal landfills. Landfills may experience a loss in revenues of \$1050 per house (see Impact to Persons, above, for assumptions).

Agency Representative preparing estimate: Christine Paulson
Telephone Number: 515-242-5154

Motion was made by Donna Buell to approve the NOIA for Chapter 23 as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

SELECTION OF ALTERNATE VENDOR FOR WEB ENABLING SPARS

Jim McGraw, Environmental Program Supervisor in the Air Quality Bureau presented the following item.

The State Permitting and Air Reporting System (SPARS) provides an electronic means for our regulated customers to submit air construction and Title V operating permit applications and major and minor source emission inventories. A recent enhancement has made SPARS even easier to use by providing our regulated customers with the ability to copy previous year emissions information reducing the burden of re-entering information already submitted.

Challenges have been identified that need to be minimized and/or eliminated to ease the burden of SPARS for both our regulated customers (client users) and the department. Currently, client users must manually maintain SPARS by downloading and installing updates for both the SPARS software and reference tables and importing and exporting of data. Additionally, client users must maintain and backup their SPARS database to protect from loss of data. The client users' version of SPARS is not easily networkable and is difficult to share among other users within the same company. The department is providing SPARS bug fixes and enhancements, training and helpdesk services to client users for each of their SPARS databases. This equates to a potential burden of over 2,000 SPARS databases.

To address these challenges, the department requested and received approval from the Commission in May 2004 to obtain Title V fees to web enable SPARS.

On June 28, 2004, a Request for Proposal (RFP) was posted. Eight vendors responded with proposals. The evaluation team used predetermined selection criteria to evaluate the submitted proposals. Based on this evaluation, CompuTerra, Inc. was ranked highest by the evaluation team. The Commission approved CompuTerra, Inc. as the project vendor at the August 2004 Commission meeting.

Need to Use Alternate Selection

Since August, the department has worked closely with CompuTerra, Inc. in an effort to reach an agreement on a Statement of Work that is acceptable to the department. During this process, it became apparent that CompuTerra, Inc. had a different understanding of the deliverables for the project. An inability to reach an agreement on the Statement of Work and concerns about the technical ability of CompuTerra, Inc. to complete the project as specified in the contract led the department to terminate the contract with CompuTerra, Inc. on October 27, 2004.

The department requests approval to use the vendor ranked second by the evaluation team to complete the project. This vendor is SciCon. SciCon is one of the companies that resulted from the breakup of Windsor Technologies, Inc., the contractor who developed SPARS. SciCon has

historical knowledge of SPARS and is proposed a solution to Web enabling SPARS that is acceptable to Air Quality Bureau IT staff.

It was hoped that SPARS would be Web enabled by January 3, 2005. While this is still the department's goal, it is unclear at this point whether this can be achieved. The submitted bid cost for SciCon to Web enable SPARS was \$174,782. It is hoped that SciCon will be able to use some of the work already completed by CompuTerra, Inc. to complete the project.

The department is in the process of negotiating payment, if any, to CompuTerra, Inc. The contract allows for the termination of the contract if the parties cannot agree to the contents of the Statement of Work. However, since CompuTerra has already completed some of the project work and this work may be helpful to SciCon and would assist with keeping the project on schedule, then some amount of payment may need to be made to CompuTerra, Inc.

Jeff Vonk said that there maybe better management of IT services, if we have a centralized process statewide. The Legislature asked for a study to be done on the centralization of IT services and recommendations. The report is finished, and my expectation would be that a decision will be made during this session on what direction the state should go with Technology services.

Motion was made by Donna Buell to approve the SPARS selection as presented. Seconded by Terry Townsend. Motion carried unanimously.

APPROVED AS PRESENTED

DECISION WHETHER TO REVIEW DECLARATORY ORDER---DECLARATORY ORDER NO. 04-DO-01----DES MOINES METROPOLITAN AREA SOLID WASTE AGENCY

Jon C. Tack, Attorney in the Legal Services Bureau presented the following item.

On September 23, 2004, the Des Moines Metropolitan Area Solid Waste Agency filed a Petition for Declaratory Order pursuant to section 17A.9 of the Code of Iowa. The Petition requests that the department affirmatively address questions raised in regard to the applicability of specific municipal solid waste landfill financial assurance rules to the Des Moines Metropolitan Area Solid Waste Agency. On October 4, 2004, the Director issued a Declaratory Order in the form requested by the Petitioner.

The Declaratory Order confirms that an agency established pursuant to Chapter 28E of the Code of Iowa may use the government financial test found at rule 567 Iowa Administrative Code (IAC) 111.6(6) as a means of satisfying the municipal solid waste landfill financial assurance requirements.

The Declaratory Order of the Director has not been appealed. The Commission is authorized, pursuant to 561 IAC 6.4 as adopted by reference at 567 IAC 6.1, to review the Declaratory Order on its own motion. The issue now before the Environmental Protection Commission is the decision whether to review the Declaratory Order on its own motion.

NO ACTION TAKEN

MONTHLY REPORTS

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

**IOWA DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION COMMISSION
RULEMAKING STATUS REPORT**

November, 2004

Proposal	Notice to Commission	Notice Published	ARC #	Rules Review Committee	Hearing	Comment Period	Final summary to Commission	Rules Adopted	Rules Published	ARC	Rules Review Committee	Rule Effective
1. Ch. 22 - Special Requirements for Visibility Protection; Best Available Retrofit Technology (BART)	11/15/04	*12/08/04		*1/04/05	*1/10/05	*1/14/05	*2/21/05	*2/21/05	*3/16/05		*4/05/05	*4/20/05
2. Ch. 22, 23, 25 - AQ Program Updates, Revisions and Additions	6/21/04	7/21/04	3515B	8/10/04	8/23/04	8/23/04	10/18/04	10/18/04	11/10/04		*12/07/04	*12/15/04

3. Ch. 23 – Controlled Burning of Demolished Buildings	11/15/04	*12/08/04		*1/04/05	*1/10/05	*1/17/05	*2/21/05	*2/21/05	*3/16/05		*4/05/05	
4. Ch. 60, 63, 64 & 65 – CAFO Regulations	9/20/04	10/13/04	3736B	11/09/04	11/05/04	11/05/04	11/15/04/04	*11/15/04	*12/08/04		*1/04/05	*1/12/05
5. Ch. 61 – Water Quality Standards – Coldwater Streams	3/15/04	4/14/04	3282B	5/11/04	5/04-14/04	5/28/04	10/18/04	10/18/04	11/10/04		*12/07/04	*12/15/04
6. Ch. 65 – Definitions, Construction Permit Requirements, Master Matrix, Groundwater Determination	9/20/04	10/13/04	3735B	11/09/04	11/08/04	11/08/04	*12/20/04	*12/20/04	*1/19/05		*2/07/05	*2/23/05
7. Ch. 65 – MMP Content Requirements; Phosphorous Index	1/20/04	2/18/04	3167B	3/08/04	3/23/04	3/23/04	10/18/04 6/21/04	10/18/04 6/21/04	11/10/04 7/21/04	3517B	*12/07/04 8/10/04	*12/15/04 8/25/04
8. Ch. 65 – Open Feedlots – Engineering Standards	11/15/04	*12/08/04		*1/04/05	12/28-30/04	*2/21/05	*2/21/05	*3/16/05	*4/05/04		*4/20/05	*10/20/04
9. Open Feedlots – Engineering Standards							11/15/04	*11/15/04	*12/08/04		*1/04/05	*11/17/04

Monthly Variance Report

October2004

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	West Fork Big Creek Watershed Site W-31	Foodplains	NRCS	Spillway design storm criterion	Approved	10/26/04
2	Pengo Corporation-Laurens	Wastewater Construction		Monitoring of metals	Approved	10/19/04
3	Mr. Kelly Carman, owner	Air Quality		Burn plywood & 2x4 lumber	Denied	09/30/04
4	Great Plains Protein	Air Quality		Emit chicken feather fragments	Denied	09/29/04
5	Sumner Municipal Light	Air Quality		Burn biodiesel blend	Approved	09/29/04
6	Garst Seed Company	Air Quality		Run dryers longer than cut-off date	Approved	10/18/04
7	Cargill - Eddyville	Air Quality		Move start-up date to vent emissions	Approved	10/12/04
8	City of Ottumwa	Wastewater Construction	City of Ottumwa Engineering Dept.	Installing sanitary sewer	Approved	10/13/04
9						

Iowa Department of Natural Resources
Environmental Services Division
Report of Hazardous Conditions

During the period October 1, 2004, through October 31, 2004, 42 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance		Mode							
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	42 (73)	2 (11)	24 (45)	16 (17)	14 (21)	21 (41)	1 (2)	2 (1)	0 (3)	4 (5)

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November	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	42 (73)	2 (11)	24 (45)	16 (17)	14 (21)	21 (41)	1 (2)	2 (1)	0 (3)	4 (5)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month.

*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
8	8	7	2	13	4

Iowa Department of Natural Resources
Environmental Services Division
Report of Manure Releases

During the period October 1, 2004, through October 31, 2004, 14 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	14 (8)	0 (0)	5 (2)	6 (2)	3 (2)	12 (6)	2 (0)	0 (0)	0 (0)	1 (0)
November	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)

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June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	14 (8)	0 (0)	5 (2)	6 (2)	0 (0)	12 (6)	2 (0)	0 (0)	0 (0)	1 (0)

(numbers in parentheses for the same period last year)
Total Number of Incidents Per Field Office This Month.

1	2	3	4	5	6
3	4	3	3	0	1

DATE: November 1, 2004

TO: EPC

FROM: Ed Tormey

RE: Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Mike Elsbernd, Winneshiek Co. (1)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$1,500	10/04/04
Crestview Mobile Home Park, Ames (5)	Wastewater	Monitoring/Reporting; Discharge Limits; Operational Violations	Order/Penalty \$10,000	10/04/04
Patrick M. Pinney Contractors d/b/a Pat Pinney Construction, Sioux City (3)	Air Quality	Asbestos	Order/Penalty \$3,000	10/04/04
Monty Unkrich, Jefferson Co. (6)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$3,000	10/04/04
Helena Chemical Co., Guthrie Center (4)	Air Quality	Open Burning	Order/Penalty \$1,000	10/06/04
Henry Well Co., Oakland (4)	Air Quality	Open Burning	Order/Penalty \$1,000	10/06/04

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Craig Wood, Rudd (2)	Air Quality	Open Burning	Order/Penalty \$1,150	10/06/04
Kollasch Land & Livestock; Hawkeye Woods, Palo Alto Co. (3)	Animal Feeding Operation	Failure to Update Plan	Order/Penalty \$1,500	10/04/04
Paul Shimp and S.V. Fence d/b/a S & V Fence & Deck, Eldridge (6)	Air Quality	Open Burning	Order/Penalty \$3,000	10/06/04
Gary DeBoer; G & S Garms, Lyon Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Amended Order	10/04/04
Ellsworth Turkey, LC d/b/a Sunrise Turkey Farm Hamilton Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Consent Amendment \$1,500	10/04/04
Ellsworth Turkey, LC d/b/a Southside Turkey Farm, Hamilton Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Consent Amendment \$1,500	10/04/04
Ellsworth Turkey, LC d/b/a Blue Sky Turkey Farm, Hardin Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Consent Amendment \$1,500	10/04/04
Acme Fuel & Material Co. d/b/a Acme Material Co., Muscatine (6)	Air Quality	Construction Without Permit	Order/Penalty \$7,000	10/15/04
Darrel Behrens, Kelly Behrens, Buena Vista Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$3,000	10/15/04
Greg Vanden Bosch; G & T Eggs, Sioux Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$1,500	10/15/04
Ted T. Smith, Buena Vista Co. (3)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty \$3,000	10/15/04
Howard Traver, Jr., Cass Co. (4)	Solid Waste	Illegal Disposal	Order/Penalty \$3,000	10/15/04
Friendly Tavern, Quasqueton (1)	Drinking Water	Permit Renewal Fees	Amended Order \$500	10/15/04
Patrick M. Pinney Contractors, Plymouth Co. (3)	Solid Waste	Illegal Disposal	Order/Penalty \$2,000	10/15/04
Leland Heisdorffer, Keokuk Co. (6)	Solid Waste Air Quality Wastewater	Illegal Disposal; Open Burning; Operation Without Permit	Order/Penalty \$10,000	10/15/04
Donald Hopp,	Solid Waste	Illegal Disposal	Order/Penalty	10/15/04

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Mills Co. (4)				\$2,200	
Country Terrace MHP, Ames (5)	Wastewater	Operational Prohibited Discharge	Violations;	Consent Order \$4,000	10/19/04
Lockridge, City (6)	Drinking Water	State Revolving Fund Program		Consent Order	10/22/04
Holcim (US) Inc., Mason City (2)	Air Quality	Operational Violations		Consent Order \$8,000	10/21/04
Nora Springs, City of (2)	Wastewater	Compliance Schedule; Discharge Limits		Amended Order	10/22/04
Doug Sweeny, O'Brien Co. (3)	Animal Feeding Operation	Failure to Update Plan		Order/Penalty \$750	10/22/04
Blaine Perry, Cherokee Co. (3)	Animal Feeding Operation	Failure to Submit Plan		Order/Penalty \$1,500	10/29/04
Keith Kruse, Clay Co. (3)	Animal Feeding Operation	Failure to Submit Plan		Order/Penalty \$1,500	10/29/04
Steve Bouchard, Cherokee Co. (3)	Animal Feeding Operation	Failure to Submit Plan		Order/Penalty \$3,000	10/29/04
Koenen Dairy, Inc. Sioux Co. (3)	Animal Feeding Operation	Failure to Submit Plan		Order/Penalty \$1,500	10/29/04
Rick Nikkel, Jasper Co. (5)	Animal Feeding Operation	Failure to Submit Plan		Order/Penalty \$3,000	10/29/04
James Brown; Brian Stickney, Oto (3)	Air Quality	Open Burning		Order/Penalty \$3,500	10/29/04
Jerry Vander Platts, O'Brien Co. (3)	Animal Feeding Operation	Failure to Submit Plan		Order/Penalty \$3,000	10/29/04

**IOWA DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE AND ENFORCEMENT BUREAU**

DATE: November 1, 2004
TO: Environmental Protection Commission
FROM: Ed Tormey
SUBJECT: Summary of Administrative Penalties

The following administrative penalties are due:

AMOUNT	NAME/LOCATION	PROGRAM	DUE DATE
	Otter Creek Station (Dubuque Co.)	WS	325 3-04-99

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Dorchester Supper Club (Dorchester)	WS	100	3-08-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	600	12-01-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
Robert L. Nelson (Orient)	UT	2,450	12-26-03
*#Avery Feeder Pig Co. (Humboldt Co.)	AFO	500	3-15-04
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
# Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000	3-23-04
Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
# James Hoogland (Sioux Co.)	AFO	2,000	4-11-04
William Hennessey (Linn Co.)	SW	2,000	5-07-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
John Danker (Lee Co.)	AQ/SW	10,000	5-22-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	3,800	5-25-04
# Matt Hoffman (Plymouth Co.)	AFO	750	5-27-04
Mobile World LC (Camanche)	AQ/SW	10,000	5-30-04
*#Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
* John and Bernice Danner (Lucas Co.)	WW	550	6-15-04
Mitchell Town Pump (Mitchell)	WS	5,000	6-15-04
# Kay Finsher; Todd Kay (Buena Vista Co.)	AFO	750	6-16-04
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	6-22-04

Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	6-22-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
#*Van Veldhuizen Dairy (Sioux Co.)	AFO	1,250	7-01-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
# Steve Grettenberg (Webster Co.)	AFO	1,000	7-09-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
John Derner (Milford)	AQ	1,000	7-27-04
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	2,500	9-30-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,500	9-01-04
Fran Oil Company (Council Bluffs)	UT	6,896	8-01-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,750	8-01-04
#*James Boller (Kalona)	AFO	4,750	11-30-03
Ranch Supper Club (Swisher)	WS	2,500	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
Cobb Oil Co.; Messer Oil Co. (Lone Tree)	UT	250	8-03-04
# Alan Friedman (Carroll Co.)	AFO	3,000	8-09-04
#*James Boller (Kalona)	AFO	4,750	8-17-04
# Travis Aldag (Ida Co.)	AFO	3,000	8-17-04
Chad Oltmanns (Plymouth Co.)	SW	3,000	8-20-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
# Verlyn & LeAnn VanRegenmorter (Sioux Co.)	AFO	2,610	8-25-04
# Dennis VanDerWeide (Sioux Co.)	AFO	3,000	9-01-04
The Filling Station (Glenwood)	WS	1,500	9-06-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
# C J Acres; Carl Schelling (Sioux Co.)	AFO	3,000	9-11-04
David Niklasen (Shelby Co.)	SW	2,900	9-11-04
* Dennis Gailey (Moorland)	AQ/SW	7,600	9-18-04
Holly A. Brown Construction Co. (Anthon)	AQ/SW	1,700	9-20-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
# Marvin Maassen; Maassen & Sons (Sioux Co.)	AFO	1,500	10-01-04
# David Kass (Plymouth Co.)	AFO	3,000	10-02-04
# Richard Beelner; Beelner 1 (Plymouth Co.)	AFO	3,000	10-19-04
# Richard Beelner; Beelner 2 (Plymouth Co.)	AFO	3,000	10-19-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
* Dennis Bandstra d/b/a Big Dutch (Sioux Center)	AQ/SW	50	10-23-04
# Charles Loutsch (Plymouth Co.)	AFO	3,000	11-08-04
#*Daniel E. Wilson (Poweshiek Co.)	AFO	3,000	11-12-04
# Carl Sandgren (Webster Co.)	AFO	1,500	11-13-04
# Del DeWulf (Cedar Co.)	AFO	1,500	11-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
Joe Ingham; Karen Ingham (Cerro Gordo Co.)	AQ	3,000	11-29-04
Friendly Tavern (Quasqueton)	WS	500	11-29-04
Americana Bowl (Ft. Madison)	WS	500	11-28-04
# Gary Schley (Emmet Co.)	AFO	1,500	11-28-04
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800	11-29-04
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300	11-29-04
Darrin Eitmann; First Farms, Inc. (McClelland)	AQ	500	12-04-04
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000	12-14-04
# Kollasch Land & Livestock (Palo Alto Co.)	AFO	1,500	12-14-04
Patrick M. Pinney Contractors (Sioux City)	AQ	3,000	12-17-04

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Henry Well Co. (Oakland)	AQ	1,000	12-18-04
Craig Wood (Rudd)	AQ	1,150	12-22-04
#*Gary DeBoer; G & S Farms (Lyon Co.)	AFO	1,000	2-01-05
Walter's Investments; David Walters (Warren Co.)	WW	10,000	-----
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Country Fresh Eggs; Iowa Ag Excavating (Wright Co.)	WW	1,500	-----
SEP			
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
SSJG Petroleum, Inc. (Muscatine)	UT	10,000	-----
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	-----
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	-----
Kountry School LLC (Elkader)	WS	1,500	-----
Tyson Fresh Meats, Inc. (Storm Lake) SEP	WW	6,000	-----
Crestview Mobile Home Park (Ames)	WW	10,000	-----
Patrick M. Pinney Contractors, Inc. (Sioux City)	SW	2,000	-----
Donald Hopp (Mills Co.)	SW	2,200	-----
Acme Fuel & Material Co. (Muscatine)	AQ	7,000	-----
# Darrell Behrens; Kelly Behrens (Buena Vista Co.)	AFO	3,000	-----
# Greg Vanden Bosch; G & T Eggs (Sioux Co.)	AFO	1,500	-----
# Ted T. Smith (Buena Vista Co.)	AFO	3,000	-----
Howard Traver, Jr. (Cass Co.)	SW	3,000	-----
* Country Terrace Mobile Home Park (Ames)	WW	4,000	-----
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000	-----
# Doug Sweeny (O'Brien Co.)	AFO	750	-----
Holcim (US) Inc. (Mason City)	AQ	8,000	-----
TOTAL		512,886	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98

Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store(Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindhahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000	8-18-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
# John C. Kelso (Worth Co.)	AFO	1,500	7-29-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,000	12-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
	TOTAL	229,889	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000

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# Dan Witt (Clinton Co.)	AFO	3,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
William Habhab (Fort Dodge)	SW	1,500
James Wilson; Retha Wilson; William Wilson	UT	4,740
(Shenandoah)		
Wellington Environmental (Iowa City)	AQ	1,000
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# New London Dairy; Steve Walter dba Walter & Sons	AFO/RWA	5,000
Roger Eblen; Eblen Develop.; Duane Menke;		
(Whispering Woods - Council Bluffs)	WW	10,000
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Cedar Rapids, City of	WW	1,000
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000
# Jeff Holland (Winnebago Co.)	AFO	5,500
Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)	UT	2,380
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000

# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
Landfill of Des Moines, Inc. (Des Moines)	SW	7,000
Denzel Edwards (Cass Co.)	AQ/SW/HC	6,000
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
American Shell Co.; James L. Peach (Fairport)	UT	6,200
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Shenandoah, City of	AQ/SW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
Regional Environmental Improvement Comm. Of Iowa Co.	SW	10,000
Michael Sickles; Keri Sickles (Adair Co.)	SW	3,000
Crest Country Inn (Iowa Co.)	WW	2,000
Edwin Pagliai (Pella, Maquoketa, Keokuk)	UT	13,500
Lake Place (Clarion)	WS	500
Sunny Brae Golf & Country Club (Osage)	WS	650
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Curt Kline; Connie Kline (Dunlap)	AQ	5,575
# Miles McDougall (Plymouth Co.)	AFO	1,500
# Steve Grettenberg; Grettenberg Finisher (Webster Co.)	AFO	500
# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Williams Brothers Garage (Atlantic)	AQ/SW/WW	5,000
Alton, City of	FP	5,000
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	5,000
# Allen Hoeper (Bremer Co.)	AFO	1,500
# Hunt Brothers; Steve and Chris Hunt (O'Brien Co.)	AFO	1,500
Casey's Marketing Co. (5 locations)	UT	18,101
Richard Juhl (Cass Co.)	AQ/SW	4,700
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
Racer's Bar and Grill (Algona)	WS	1,000
# Marty McDermott (Clinton Co.)	AFO	750
Galen Engstrom (Renwick)	WW	1,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Imperial Properties, Inc. (Des Moines)	UT	10,000
# Steve Renze (Sac Co.)	AFO	3,000
# Doug Renze (Sac Co.)	AFO	3,000
Schmidt Distributors; Shoppers Supply Co. (Ft. Dodge)	AQ	5,000
# Eischeid Farms (Carroll Co.)	AFO	3,000
# Steve Van Utrecht (Mahaska Co.)	AFO	1,500
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# John Hansen (Sioux Co.)	AFO	3,000
# B & B Sandhill Swine, Inc. (Olin)	AFO	3,000
# Darron Rusk (Clay Co.)	AFO	750
Roger Escher (Washington Co.)	SW	1,000
# Chad Kooima (Sioux Co.)	AFO	1,500
Dr. Ed Cook (Cherokee Co.)	AQ	3,000

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# Dean & Sharon Gettler (Montgomery Co.)	AFO	3,000
Environmental Solutions, Inc. (Mills Co.)	SW	10,000
Long Branch Maintenance Corp. (Dexter)	WS	2,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hower (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Ellsworth Bros. Manure Pumping LLC (Kossuth Co.)	AFO	500
Harvey Products, Inc. (Harvey)	AQ	10,000
# Harold Deckers; HPD Pork (Sioux Co.)	AFO	3,000
# Gary Wedewer (Delaware Co.)	AFO	3,750
# James VerMeer (Sioux Co.)	AFO	3,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
# Brad Dirksen (Plymouth Co.)	AFO	3,000
# James Schmitz (Plymouth Co.)	AFO	3,000
# Bill and Don Adam, Inc. (Jefferson Co.)	AFO	3,000
# Alan Thomann (Washington Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
# JK farms, Inc. (Plymouth Co.)	AFO	3,000
Bill Schrock (Stockport)	SW/WW	2,000
Tschiggfrie Excavating Co. (Dubuque)	WW	8,000
Iowa State University Heating Plant (Ames)	WW	1,500
# Dave Borchers (Plymouth Co.)	AFO	1,500
# David Meyer (Cedar Co.)	AFO	1,500
# P & W Egg Company, LC (Cass Co.)	AFO	3,000
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Rose Bartles (Glenwood)	AQ/SW	1,500
# Teske Pork, LLC (Hardin Co.)	AFO	3,000
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
Jerry Bravard (Boone)	WW	4,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
Garlen E. Perry; Paul ad Percilla Lattin (Shenandoah)	AQ/SW	8,000
Paul Shimp & S & V Fence Co. (Eldridge)	AQ	3,000
TOTAL		634,910

The following administrative penalties were paid last month:

AMOUNT	NAME/LOCATION	PROGRAM	
	Keith Stoterau; Hopp Construction Co. (Shelby Co.)	WW	1,500
	Don W. Christensen (Estherville)	AQ	1,000
	* Julie Oden; Centerville Cleaners (Centerville)	AQ	400
PAID/FULL			
	* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	250
	# Hogville Corporation (Mitchell Co.)	AFO	1,500
	* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	500
	Lewis Hartgers (Jasper Co.)	AQ/SW/WW	1,500
	William Day (Iowa Co.)	SW/WW	500
	Bronson, City of	WS	3,000

Mr. Z's Café (Ionia)	WS	2,000
Frederick Kinzenbaw, Jr.; Max Leonard (Iowa Co.)	WW/SW	2,000
# Kollasch Land & Livestock (Palo Alto Co.)	AFO	817
# Ellsworth Turkey; South-Side Turkey Farm (Hamilton Co.)	AFO	1,500
# Ellsworth Turkey; Blue Sky Turkey Farm (Hardin Co.)	AFO	1,500
# Ellsworth Turkey; Sunrise Turkey Farm (Hamilton Co.)	AFO	1,500
#*Daniel E. Wilson (Poweshiek Co.)	AFO	2,000
Helena Chemical Co. (Guthrie Center)	AQ	1,000
# Robert Renze (Sac Co.)	AFO	3,000
Ray Zellmer (Wiota)	AQ/SW	1,000
* Dennis Bandstra d/b/a Big Dutch (Sioux Center)	AQ/SW	50
Lehigh Portland Cement Co. (Mason City)	WS	300
# Poverty Acres Feedlot, Inc. (Sioux Co.)	AFO	2,000
TOTAL		22,467

The following penalties have been rescinded:

Country Terrace Mobile Home Park (Ames)	WW	10,000
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The following SEPs were received:

DeBruce Grain, Inc. (Fremont Co.)	WW/HC	3,000
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Department of Natural Resources Attorney Generals Report

Name, Location and Region Number	Program	Alledged Violation	DNR Action	New or Updated Status	
Buhr, Lee; Meadow Mist Motel Park View Motel Oelwein (1)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred Motion for Judgment Order Granting Judgment (\$500/Admin.)	3/17/03 3/17/04 6/07/04
Buringrud, Mark fdba Carpenter Bar & Grill Carpenter (2)	Drinking Water	Monitoring/Reporting-Bacteria, Nitrate	Order/Penalty	Referred Motion for Judgment Hearing Date	9/15/03 9/23/04 10/26/04
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Operation Permit	Disposal; Without Order/Penalty	Referred Petition Filed Motion for Partial	10/21/02 3/17/04 9/27/04

Summary Judgment

Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	7/21/03 3/12/04 5/11/05
Jolin, John; Michael Kolbold Sioux City (3)	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed Motion for Partial Summary Judgment Hearing Date Partial Summary Judgment for Department	3/17/03 12/29/03 3/22/04 6/07/04 7/18/04
Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Reporting; Operational Violations; Operator Discipline	Order/Penalty	Referred Motion for Judgment Hearing Date	1/21/03 4/12/04 10/25/04
Northeast Iowa Citizens for Clean Water (NICCW)	Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to Interlocutory Appeal Supreme Court Order Denying NICCW's Appeal	8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03 12/22/03 1/29/04 2/04/04 3/01/04 4/08/04 4/20/04 4/28/04 5/11/04 6/08/04
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00

				Partial Judgment (Clean-up Order)	12/12/02
				Contempt Application	2/20/03
				Contempt Hearing Date	2/20/03
				Contempt Finding and Civil Penalty	7/09/03
				(\$100,000 and 30 Days in Jail –	8/01/03
				Suspended until 7/8/03)	8/01/03
				Hearing Regarding	8/20/03
				Contempt	9/18/03
				Order Regarding	4/16/04
				Bond/Cleanup Deadline	
				Bond Posted	
				State Objections to Bond	
				Ruling Denying Objections to Bond	
				Status Hearing Date	
Plain, Dennis and Brenda Sac City (3)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred Case Closed	4/19/04 9/02/04
Roquette America, Inc. Keokuk (6)	Air Quality	Violations – Other	Order	Referred	4/21/03
Roquette America Keokuk (6)	Air Quality	DNR Defendant	Defense	Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction	8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04
Schlag, Dana d/b/a Plantation Village Mobile Home Park Burlington (6)	Drinking Water	MCL; Public Notice Monitoring/Reporting – Radioactivity	Order/Penalty	Referred	7/21/03
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)	Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred	6/20/97 12/09/98 11/21/02
Simon, Carl Dubuque Co. (1)	Animal Feeding Operation	Prohibited Discharge – Confinement; Freeboard	Order/Penalty	Referred Criminal Charge in Federal Court Grand Jury Indictment	7/21/03 2/04 4/07/04
Snoody, Pat Honey Creek Campground Crescent (4)	Drinking Water	Monitoring/Reporting- Bacteria, Nitrate; Public Notice	Order/Penalty	Referred	10/20/03
Trafton Environmental, Inc.;				Referred	2/17/03

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Harry Trafton; Interstate Lounge, Inc. Underwood (4)	Underground Tank	UST Closure		Order/Penalty	Petition Filed Motion for Partial Summary Judgment Hearing Date Order (\$9,140/Admin. & Tank Fees) Civil and Admin. Penalties (\$11,140) Paid in Advance of Decree Consent Decree (\$2,000/Civil & Injunction)	1/02/04 2/05/04 3/01/04 3/15/04 6/14/04 6/21/04 8/12/04
Van Meter Development Corp.; C. Dave Albright Polk Co. (5)	Wastewater	Operation Permit; Prevention Violations	Without Pollution Plan	Order/Penalty	Referred	2/17/03
Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh UST#8606990 Davenport (6)	Underground Tank	Corrective Failure to Release; Detection	Action; Report a Leak	Referred to Attorney General	Referred Petition Filed Motion for Default Judgment Default Judgment (\$100,000/Civil Against Natural Petroleum, Inc.) Motion to Compel Order Granting Motion to Compel Order Granting Motion to Compel	3/17/03 11/07/03 1/20/04 1/22/04 5/28/04 6/14/04 6/21/04
Wisconsin North, LLC d/b/a National Petroleum Co. UST #8606997 Clinton (6)	Underground Tank	Failure to Initiate Corrective Action-CDR		Referred to Attorney General	Referred Petition Filed Motion for Default Judgment Default Judgment (\$100,000/Civil Against Natural Petroleum, Inc.) Motion to Compel Order Granting Motion to Compel	10/21/02 11/07/03 1/20/04 3/16/04 5/28/04 6/29/04

Contested Cases

4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	Consent order sent to City for review and mayor's signature. 12/26/03 – Dept. follow-up letter to City attorney. 12/29/03 – Response from City. 2/04 – Dept. permit writer drafting revised permit. 3/04 – Status report requested from permit writer. 4/16/04 – Dept. letter to City attorney regarding

						settlement with copy of draft revised NPDES permit. 5/19/04 – Follow-up letter to City attorney regarding permit. 8/04 – To be set for hearing since no settlement achieved. 9/1/04 – FO4 letter to City regarding status of construction to meet schedule in construction permit. Set for hearing for 12/16/04. Tentative agreement reached with City on terms of NPDES permit to be issued to resolve appeal.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order	SW/H C	Tack	Compliance achieved. Case closed.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
12/01/00	Postville, City of	1	Admin. Order	WW	Tack*	Court hearing set for 2/05.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	1/04- Letter to City attorney regarding compliance status. 3/29/04 – Proposed ordinance received regarding enforcement of pretreatment program from City's engineer. 4/1/04 – SEP proposal received from City. Meeting held 4/02/04 to discuss settlement. 5/04 – Further information received from City attorney.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
12/17/01	Keith Stoterau; Hopp Construction Co., Inc.	4	Admin. Order/Penalty	WW	Tack*	1/21/04 - \$2,500 of \$5,000 penalty received from Stoterau. 10/7/04 - \$1,500 settlement payment received from Hopp Construction. Case closed.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Tack*	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be submitted.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	3/03 – One year of TKN monitoring completed by City. 12/26/03 – Follow-up letter to

						City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff. Per Dept. engineer – 3/29/04 City to perform more stream sampling. 6/15/04 – City report received – under review. 7/19/04 – WQ section reviewed stream study results and recalculated WLA and NPDES permit limits. 7/27/04 – WW permits staff to review WLA/permit limits. 8/31/04 – Update requested from WW permits staff. 9/04 – Update requested from WW permits staff. 10/29/04 – Dept. letter to City resolving issued of TKN monitoring. Case settled.
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	Site sold to City of Ft. Dodge. City has completed clean-up. Hearing set for 11/1/04.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	Non-penalty terms have been satisfied. Conditional settlement on penalties reached and awaiting signatures. Upon signing, contested case will be dismissed.
5/10/02	Wellington Environmental	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent order signed. Penalty is a non-monetary SEP to be conducted over the next 9 months. Completed half of the required 12 classes, deadline for remaining 6 classes moved to August, 2004, due to planning and financial difficulties. New consent agreement in place. 10/04 deadline with 3 remaining classes. SEP is complete. Remaining classes were completed 10/04. Case closed.
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AFO	Clark	5/01/03 – Settled. Monthly installment commenced 5/15/03.
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 – Richard Caves' bankruptcy pending. Negotiating resolution.
7/02/02	Wellington Environmental (Iowa City)	6	Order/Penalty	AQ	Book	3/03 – Settled. Consent amendment signed. Penalty to is a non-monetary SEP to be conducted over the next 9 months. New consent agreement in place. 10/04 deadline with 3 remaining classes. SEP is complete. Remaining classes were completed 10/04. Case closed.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/W W	Tack	9/03/04 – Onsite meeting resulted in settlement agreement.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
7/31/02	Nevada, City of	5	Order/Penalty	WW	Preziosi*	Settled. Awaiting SEP payment.
8/15/02	Lehigh Portland Cement	2	Order/Penalty	WS	Clark	10/12/04 – Penalty payment received. Case closed.
8/23/02	Clifton Clark	4	Order/Penalty	AQ/S W	Tack	Inspection on 6/27/03. Significant progress made on cleanup. Continued efforts needed.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement

						letter to client.
9/03/02	Peter Cook	6	Order/Penalty	AQ/S W	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	Order/Penalty	AQ/S W	Tack	All tires have been removed. Negotiating penalty.
10/02/02	Sioux City, City of	3	Permit Conditions	FP	Clark	4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.
11/22/02	Schell Family Partnership	5	Order/Penalty	SW/H C	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	Order/Penalty	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	Order/Penalty	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	Order/Penalty	AFO	Tack	9/30/04 – Proposed settlement agreement sent.
2/05/03	Landfill of Des Moines, Inc.	5	Order/Penalty	SW	Tack	Physical site closure completed. Waiting for closure certification from engineer.
2/10/03	Doug Osweiler	6	Order/Penalty	AFO	Book	Negotiating before filing.
2/24/03	Ray Slach	6	Order/Penalty	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	Order/Penalty	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	Order/Penalty	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	Permit Conditions	AQ	Preziosi	Still negotiating. Information due from appellant September 15, 2004.
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	Order/Penalty	AFO	Clark*	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney. 5/12/04 – Appellant's response.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	Order/Penalty	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	Order/Penalty	UT	Wornson	Compliance achieved except negotiating penalty/SEP before filing.
7/09/03	Country Terrace MHP	5	Order/Penalty	WW	Hansen	8/04 – Hearing reset to 10/18-19/04, at request of appellant. 10/18/04 – Settled. Consent order issued resolving all issues including penalty. Case closed.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	Order/Penalty	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	Order/Penalty	AQ/S W	Tack	Partial site clean-up completed. Hearing set for 11/19/04.
7/28/03	Poverty Acres Feedlot Inc.	3	Order/Penalty	AFO	Clark	10/13/04 – Penalty payment received. Case closed.
8/12/03	Southern Waste Handling, Inc.	5	Order/Penalty	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	Variance Denial	AQ	Preziosi	Negotiating before filing.
8/16/03	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	Hearing held 6/30/04. 7/20/04 – ALJ decision. No appeal by either party. Closed.
8/19/03	Harlan, City of	4	Order	WW	Hansen*	10/15/03 – Plans and specs received from City engineer. 1/13/04 – Dept. issued construction permit for WWTF project. 4/04 – Dept. letter to City regarding resolution of appeal. 6/04 – Amended order to be negotiated. 9/04 – Letter to City with proposed amended order. Settled. Consent order agreed upon to resolve appeal. Case closed.
8/29/03	Country Living Mobile Home Park	5	Order/Penalty	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be

						made. 9/04 – Status report from Dept. engineer requested regarding project construction status.
9/02/03	Kent Kiburz	2	Order/Penalty	SW	Tack	Clean-up underway.
9/04/03	Easter Enterprises, Inc.	5	Order/Penalty	UT	Wornson	Compliance on non-penalty terms completed. Prepare penalty settlement.
9/05/03	Strawberry Point, City of	1	Order/Penalty	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/25/03	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Still negotiating. Information due from appellant 9/15/04.
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	Order/Penalty	UT	Wornson	Compliance achieved. SEP proposed.
10/06/03	Dennis Bandstra d/b/a Big Dutch	3	Order/Penalty	AQ	Book	Consent amendment final. Payment plan on schedule.
10/08/03	TEGH, Inc. (03-UT-15)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/08/03	D & S Swine, LLC	2	Order/Penalty	AFO	Clark*	9/22/04 – Penalty payment received. Case closed.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	Order/Penalty	UT	Wornson	Negotiating before filing.
11/19/03	Harlan Clasen	3	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
11/19/03	Ron Fisher Furniture	1	Amended Order	AQ	Preziosi	Negotiating before filing.
11/20/03	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	Order/Penalty	AQ/S W	Book	Consent amendment final. Payment plan on schedule.
12/02/03	Jeff Holland	2	Order/Penalty	AFO	Clark	Negotiating before filing.
12/05/03	Boyer's Sand and Rock, Inc.; William Boyer	3	Order/Penalty	UT	Wornson	Settlement agreement sent 3/2/04.
12/15/03	AGP (Emmetsburg)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Information due from appellant 9/15/04.
12/22/03	Pocahontas, City of	3	Order/Penalty	WW	Preziosi*	4/06/04 – Settlement offer by City. 4/13/04 – Offer accepted by DNR. 5/26/04 – Fish restitution paid. SEP to be finalized.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	Order/Penalty	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	Order/Penalty	AFO	Clark	Negotiating before filing.
1/22/04	Van Veldhuizen Dairy	3	Order/Penalty	AFO	Book	Settled. Consent amendment final. Payment plan on schedule.
1/22/04	Nestle Purina Pet Care	1	Permit Conditions	AQ	Book	Being handled by AQ management.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	Order/Penalty	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	Order/Penalty	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	Order/Penalty	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	Order/Penalty	WS/W W	Clark*	Meeting held 4/07/04.
2/18/04	Larry Johnson; Denzel Edwards	4	Order/Penalty	AQ/S W/HC	Tack	4/15/04 - \$3,000 penalty settlement received from Larry Johnson.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	Order/Penalty	AFO	Clark	Negotiating before filing.
2/23/04	American Shell Co., Inc.; James L. Peach		Order/Penalty	UT	Wornson	Report submitted. Revisions required. Prepare conditioned penalty settlement.
3/01/04	Shenandoah, City of	4	Order/Penalty	AQ/S W	Tack	Negotiating before filing.
3/04/04	Tim Trostel	2	Order/Penalty	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	Order/Penalty	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/15/04	Regional Environmental Improvement Commission of Iowa County	6	Order/Penalty	SW	Tack	Negotiating before filing.
3/16/04	Axtell Finishers; James Axtell	2	Order/Penalty	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.

3/22/04	Crest Country Inn	6	Order/Penalty	WW	Hansen	4/28/04 – Letter sent to appellant. 5/10/04 – Response. 5/28/04 – Letter sent to appellant. 7/9/04 – Sent to DIA. Second AOP issued. No appeal. 9/17/04 – ALJ order granting default and dismissing appeal due to failure to file petition. Motion to set aside default filed by attorney for Crest Country Inn. Response by Dept. filed resisting reinstatement. ALJ order issued denying motion to reinstate appeal.
3/23/04	Michael and Keri Sickles	4	Order/Penalty	SW	Tack	Clean-up completed. \$750 settlement offer sent 6/29/04.
3/24/04	Lake Place	2	Order/Penalty	WS	Book	Unable to locate owner. Will continue to look.
4/02/04	Sunny Brae Golf and Country Club	2	Order/Penalty	WS	Tack	Compliance review continuing. Penalty will be forgiven upon receipt of clean 3 rd quarter bacteria test results.
4/02/04	LeMars, City of	3	Order/Penalty	WW	Hansen	4/02/04 – Meeting held to discuss settlement.
4/08/04	Silver Creek Feeders	4	Permit Conditions	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	Permit Conditions	AQ	Preziosi	Still negotiating. Information due from appellant 9/15/04.
4/16/04	Ben Haven Mobile Home Park	1	Order/Penalty	WS	Clark	Negotiating before filing.
4/19/04	Richard Juhl	4	Order/Penalty	AQ/S W	Book	6/25/04 – Default entered.
4/19/04	ADM – Clinton	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
4/19/04	Ray Zellmer	4	Order/Penalty	AQ/S W	Book	10/13/04 – Penalty payment received. Case closed.
4/23/04	Curt Kline; Connie Kline	4	Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/26/04	Miles McDougal	3	Order/Penalty	AFO	Book	ALJ confirmed order with full penalty.
5/03/04	Steven Grettenberg	2	Order/Penalty	AFO	Book	Settled. Consent amendment with producer for signature.
5/04/04	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Negotiating before filing.
5/06/04	Terry Nibbelink	3	Order/Penalty	AFO	Clark	Negotiating before filing.
5/11/04	Clark Partnership; Dennis Clark; Terrence Clark	3	Order/Penalty	AFO	Clark	Negotiating before filing.
5/11/04	Williams Brothers Garage	4	Order/Penalty	WW/S W/AQ	Tack	9/30/04 – Cleanup is underway.
5/12/04	Ag Processing, Inc.	3	Permit Conditions	AQ	Preziosi	Still negotiating. Information due from appellant 9/15/04.
5/12/04	Hunt Brothers; Chris Hunt	3	Order/Penalty	AFO	Book	Negotiating before filing.
5/13/04	Allen Hoepfer	1	Order/Penalty	AFO	Clark	10/26/04 – Dept. considering counter offer to Hoepfer's settlement offer.
5/14/04	G & S Farms; Greg DeBoer	3	Order/Penalty	AFO	Book	Payment schedule in place and payments on schedule.
5/14/04	Rural Iowa Solid Waste Mgmt.	2	Order/Penalty	SW	Tack	Negotiating before filing.
5/18/04	Alton, City of	3	Order/Penalty	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/26/04	Casey's Marketing Co. (5 locations)	5	Order/Penalty	AFO	Wornson	Compliance achieved. Negotiating SEP.
5/27/04	CDI – Charles City	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/28/04	Maquoketa Shoreline Development, Inc.	1	Order/Penalty	WW	Tack*	Negotiating before filing.
6/02/04	Racer's Bar and Grill	2	Order/Penalty	WS	Book	Waiting to hear from owner on possible settlement.
6/09/04	Kevin Miller	1	Operation Permit	WS	Hansen	6/24/04 – FOI letter to WS regarding permit requirements. 7/12/04 – Compliance with disinfection requirements initiated. 9/04 – Status report requested from FO regarding compliance.
6/11/04	The Universal Assembly of Christians, Inc.; Marsha Leigh	4	Order/Penalty	AQ/S W	Tack	9/04 – Referred to AG.
6/11/04	University of Iowa	6	NPDES Permit	WW	Hansen	Negotiating before filing.
6/11/04	Long Branch Maintenance Corp.	4	Order/Penalty	WS	Hansen	7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04. Hearing set for 12/17/04.
6/18/04	CDI – Charles City	2	Title V Permit	AQ	Preziosi	Negotiating before filing.

			Determination			
6/18/04	Schmidt Distribution, Inc. d/b/a Shoppers Supply Co.	2	Order/Penalty	AQ	Preziosi	Negotiating before filing.
6/18/04	Sparboe – Eagle, LLC	2	Operation Permit	WS	Hansen	7/19/04 – Sampling initiated by WS. 9/04 – Dept. letter to WS regarding resolution of appeal. 10/04 – Resolved. Sparboe sent letter withdrawing appeal. Case closed.
6/18/04	Phillip Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/18/04	Doug Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/24/04	Holly A. Brown Construction	3	Order/Penalty	AQ/S W	Book	Settled. Consent amendment in place. Awaiting penalty payment.
6/24/04	Jansma Cattle Co., Inc.	3	Order/Penalty	AFO	Tack*	Negotiating before filing.
6/25/04	Eischeid Farms, Inc.	4	Order/Penalty	AFO	Clark	Negotiating before filing.
6/25/04	Steve Renze	3	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Ellsworth Turkey, LC; Sunrise Turkey Farm	2	Order/Penalty	AFO	Book	Consent amendment final. Awaiting penalty payment.
6/28/04	Ellsworth Turkey, LC; South Side Turkey Farm	2	Order/Penalty	AFO	Book	Consent amendment final. Awaiting penalty payment.
6/28/04	Ellsworth Turkey, LC; Blue Sky Turkey Farm	2	Order/Penalty	AFO	Book	Consent amendment final. Awaiting penalty payment.
6/28/04	Michael Veenstra; Alan Veenstra	5	Order/Penalty	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	Order/Penalty	AFO	Book	Negotiating before filing.
6/28/04	Marvin Bates	6	Order/Penalty	AQ/S W/W W	Tack	Compliance to be reviewed in 11/04.
6/29/04	Imperial Properties	5	Order/Penalty	UT	Wornson	Negotiating before filing.
7/16/04	Ed Cook	3	Order/Penalty	AQ	Book	Negotiating before filing.
7/16/04	Dean Gettler	4	Order/Penalty	AFO	Book	Negotiating before filing.
7/20/04	Chad Kooima	3	Order/Penalty	AFO	Book	Negotiating before filing.
7/26/04	B & B Sandhill Swine	1	Order/Penalty	AFO	Clark	Negotiating before filing.
7/26/04	Randy Gergen	3	Order/Penalty	AFO	Clark	Negotiating before filing.
7/27/04	Roger Eschen	6	Order/Penalty	SW	Tack	Negotiating before filing.
7/27/04	John Hansen Farms	3	Order/Penalty	AFO	Clark	Negotiating before filing.
7/28/04	Darron Rusk	3	Order/Penalty	AFO	Book	Negotiating before filing.
8/02/04	James Vermeer	3	Order/Penalty	AFO	Clark	Negotiating before filing.
8/02/04	Dennis Rowenhorst	3	Order/Penalty	AFO	Book	Negotiating before filing.
8/06/04	Eldora, City of	1	Permit Conditions	WW	Hansen	Negotiating before filing.
8/17/04	Harold Dekkers	3	Order/Penalty	AFO	Book	Negotiating before filing.
8/17/04	Gary Wedewer	1	Order/Penalty	AFO	Book	Negotiating before filing.
8/18/04	Alan W. Kruger, et.al.		Permit Issuance	FP	Clark	Hearing set for 11/15/04.
8/19/04	F.J. Krob & Co.	1	Order/Penalty	HC/W W	Tack*	Negotiating before filing.
8/20/04	Alan Thomann	6	Order/Penalty	AFO	Book	Negotiating before filing.
8/26/04	Jim Schmitz	3	Order/Penalty	AFO	Clark	Negotiating before filing.
8/30/04	Brad Dirksen	3	Order/Penalty	AFO	Book	Negotiating before filing.
8/30/04	Don and Bill Adam, Inc.	6	Order/Penalty	AFO	Clark	Negotiating before filing.
8/30/04	Ames, City of	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/01/04	Iowa State University	5	Order/Penalty	WW	Hansen	Negotiating before filing.
9/03/04	David Borchers	3	Order/Penalty	AFO	Book	Negotiating before filing.
9/10/04	Tschiggfrie Excavating Co.	1	Order/Penalty	WW	Tack	Negotiating before filing.
9/14/04	JK Farms, Inc.	3	Order/Penalty	AFO	Clark	Negotiating before filing.
9/14/04	Bill Schrock	6	Order/Penalty	WW/S W	Tack	Negotiating before filing.
9/20/04	David Meyer	6	Order/Penalty	AFO	Book	Negotiating before filing.
9/21/04	P & W Egg Co.	4	Order/Penalty	AFO	Book	Negotiating before filing.
9/29/04	EnviroBate	4	Order/Penalty	AQ	Book	Negotiating before filing.
10/04/04	Rose M. Bartles	4	Order/Penalty	AQ/S W	Tack	New case.
10/05/04	Mike Teske; Teske Pork	2	Order/Penalty	AFO	Clark	New case.
10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	New case.
10/12/04	Gary Hart	6	Order/Penalty	AQ/S W	Tack	New case.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	New case.
10/14/04	Linn Grove Hatchery	3	Order/Penalty	AFO	Book	New case.
10/14/04	Garlen Perry; Paula and Percilla Lattin	4	Order/Penalty	AQ/S W	Book	New case.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	New case.
10/20/04	Jerry Bravard	5	Order/Penalty	WW	Tack	New case.
10/21/04	Eugene Kramer	1	Order	WR	Clark	New case.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	New case.
10/26/04	S & V Fence & Deck Co.	6	Order/Penalty	AQ	Book	New case.

Iowa Department of Natural Resources
 Environmental Services
 Report of WW By-passes

During the period October 1, 2004 through October 31, 2004, 9 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
<i>October '04</i>	<i>9(8)</i>	0.065	0.030	3	0(1)
November '03	4(3)	0.701	0.264	2	0(0)
December '03	11(4)	0.209	0.065	2	0(0)
January '04	5(3)	0.479	0.165	3	0(0)
February '04	10(4)	0.269	0.032	2	0(0)
March '04	7(7)	0.524	0.022	3	0(0)
April '04	8(8)	0.608	0.072	1	0(0)
May '04	9(9)	0.499	0.042	4	0(0)
June '04	7(6)	0.038	0.001	2	0(0)
July '04	3(5)	0.354	0.072	2	0(0)
August '04	13(2)	0.267	0.050	7	0(0)
September '04	5(4)	0.131	0.068	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	0	2	1	1	3

INFORMATIONAL ONLY

GENERAL DISCUSSION

Merry Rankin, Bureau Chief of the Volunteer Program introduced the Project Aware event that was held this past summer.

Brian Soenen, IOWATER Coordinator showed a DVD on the Project Aware event.

David Williamson, artist from Ogden made a 13-foot sculpture of a canoe paddle from garbage/recyclable goods found in and along the river. The next Project Aware event is scheduled for June 18-25, 2005 in NW Iowa on the Little Sioux, Milford/Spirit Lake to Cherokee.

Merry Rankin said that approximately 96 yards of cubic material was collected. About 97% of that material was recycled. Merry gave special recognition to all partners who helped make the event possible. A special plaque was presented to Metro Waste Authority for contributing \$3,000.

Wayne Gieselman said that another Kaizen event for Sovereign Lands permitting will be held this week.

NEXT MEETING DATES

December 20, 2005

January 18, 2005

ADJOURNMENT

<i>Motion was made by Lisa Davis Cook to adjourn the meeting. Seconded by Terry Townsend. Motion carried unanimously.</i>

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 2:25 p.m., Monday, November 15, 2004 .

Jeffrey R. Vonk, Director

Darrell Hanson, Chair

Heidi Vittetoe, Secretary

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